

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.02.2015

CORAM:

THE HONOURABLE MR. JUSTICE K.K.SASIDHARAN

Writ Petition No.1263 of 2015
and
M.P.Nos.1 & 2 of 2015

S.Alexraj

[Petitioner]

Vs

- 1 The State of Tamilnadu
Rep. by the Secretary to the Government
Home Department Fort St. George
Chennai-600 009.
- 2 Additional Director General of Police (Crime)
Office of the Additional
Director General of Police Chennai-600 008.
- 3 Superintendent of Police
Video Pirary Cell CBCID
No.220 Pantheon Road
Egmore Chennai-600008.

[Respondents]

Petition filed under Article 226 of the Constitution of India for the issuance of writ of certiorarified mandamus calling for due records in Charge Memo bearing PR No. NIB/04/2014 dated 01.12.2014 along with the allied Annexures and consequential suspension order passed in C.No.A3/NIB/ 246/5045/2014 and C.No.288/2014 dated 01.12.2014 by the Additional Director General of Police Crime the 2nd respondent herein and to quash the same as illegal unconstitutional and contrary to law.

For Petitioner : Mr.Perumbulavil Radhakrishnan

For Respondents : Mr.P.Sanjay Gandhi

O R D E R

The petitioner challenges the proceedings dated 01.12.2014, whereby and whereunder disciplinary proceedings were initiated against him.

2. When this writ petition came up for admission, I have made it very clear that there is no question of interfering with the charge memo. In view of the stand taken by this Court, learned counsel for the petitioner, on instructions, fairly submitted that the petitioner would be satisfied in case a direction is issued to the enquiry officer to provide all the documents relied on by the department and indicated in the charge memo. In view of the same, I have issued notice to the respondents. After the appearance of the respondents, I have passed an order on 28.01.2015, directing the 3rd respondent to furnish copies of documents to the petitioner. The said order reads thus:-

"Heard the learned counsel for the petitioner and the learned Special Government Pleader appearing on behalf of the respondents.

2. The enquiry officer is present in Court. The enquiry officer has already furnished documents relating to Sl.Nos.2 to 21. She has agreed to give documents in Sl.Nos.1,22,23,30,31,32,33 and 34 to the petitioner forthwith. The petitioner would be permitted to peruse the remaining documents viz., Sl.Nos.24 to 29 and Sl.No.35 to 51 indicated in Annexure III of the charge memo.

3. The learned counsel for the petitioner on instructions from the petitioner agreed to receive the documents indicated above from the enquiry officer today itself. He would be permitted to peruse the other documents and would be given one week time from today for completing the process of perusing those documents. The enquiry would be commenced thereafter.

4. For passing further orders in the matter, post the writ petition on 10 February 2015 under the caption "for orders".

3. Subsequently, the petitioner made a grievance that he has not been given the documents shown in Sl.Nos.24 to 29 and 35 to 51. The 3rd respondent was directed to provide those documents to the petitioner vide order dated 10.02.2015.

4. When the writ petition was taken up for consideration today, the learned counsel for the petitioner fairly submitted that the petitioner has received the documents pursuant to the orders dated 28.01.2015 and 10.02.2015. Therefore, it is very clear that the 3rd respondent has provided all the documents to the petitioner.

5. The learned counsel for the petitioner seeks time till 7.3.2015 to submit a comprehensive reply to the charge memo. The petitioner has also made an endorsement that he would file his reply on or before 7.3.2015 and would not seek further adjournment. In view of the said submission, this order is passed on consent.

"The petitioner is directed to submit his reply to the charge memo on or before 07.03.2015. The 3rd respondent would thereafter commence the enquiry proceedings. The petitioner is directed to co.operate with the enquiry proceedings for an early disposal of the matter".

6. The learned counsel for the petitioner submitted that the petitioner is not conversant with enquiry proceedings and as such permission should be given to submit written arguments. The issue regarding submission of written arguments will be decided by the enquiry officer in accordance with rules.

The writ petition is disposed of with the above direction. No costs. Connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

1 The Secretary to the Government
Home Department Fort St. George
Chennai-600 009.

2 The Additional Director General of Police (Crime)
Office of the Additional
Director General of Police Chennai-600 008.

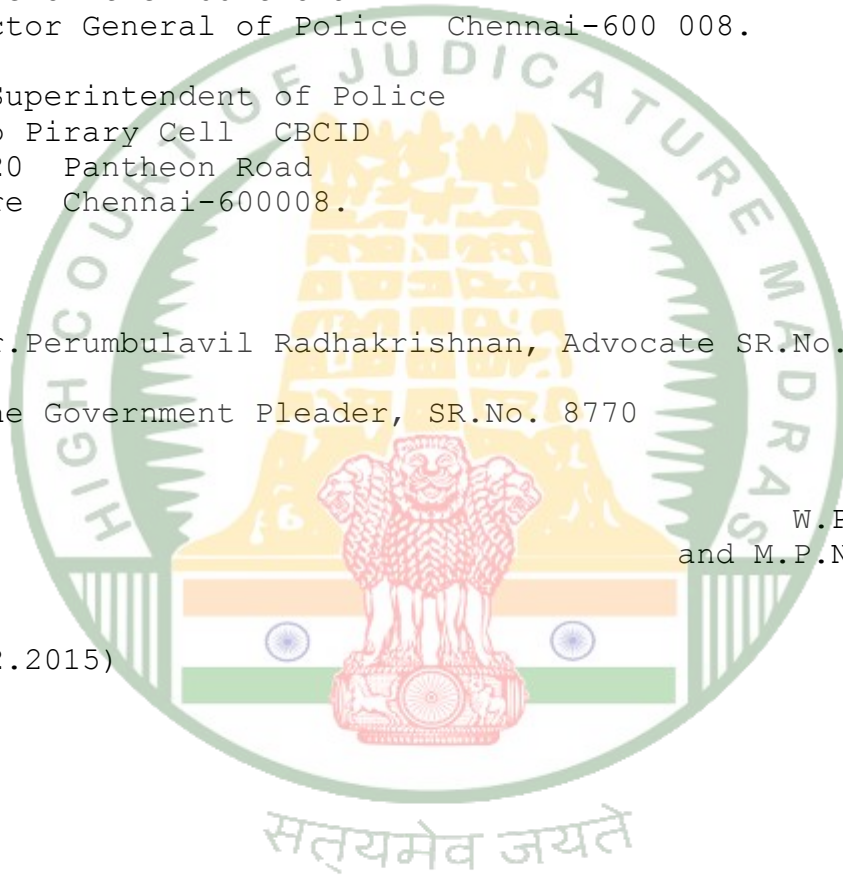
3 The Superintendent of Police
Video Piracy Cell CBCID
No.220 Pantheon Road
Egmore Chennai-600008.

1 CC to Mr.Perumbulavil Radhakrishnan, Advocate SR.No. 8348

1 CC to the Government Pleader, SR.No. 8770

W.P.No.1263 of 2015
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JSV (CO)
PSI (23.02.2015)



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