

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.06.2015

CORAM

The Hon'ble Mr. Justice D.HARIPARANTHAMAN

W.P.No.15227 of 2015
and
M.P.Nos.1 and 2 of 2015

P.Jayashankar

... Petitioner

Vs.

1. The Director General of Police,
Dr. Radhakrishnan Salai,
Mylapore, Chennai - 4.
2. The Deputy Inspector General
of Police, Vellore Range,
Vellore.
3. The Additional Superintendent
of Police,
Prohibition Enforcement Wing,
Villupuram.
4. Pandiyaraj,
Additional Superintendent
of Police,
Prohibition Enforcement Wing,
Villupuram.

... Respondents

Petition filed under Article 226 of the Constitution of India for the issuance of a writ of certiorarified mandamus to call for the records of the second respondent in connection with the impugned order passed in C.No.B1/PR 18/2015 dated 20.04.2015 along with the Minute submitted by the third respondent in PR No.8/2009 dated 15.04.2015 and the subsequent order of the second respondent in Na.Ka.No.B1/Tha.Pa.18/2015 dated 18.05.2015 and quash the same and direct the respondents to change the enquiry officer and conduct the oral enquiry afresh and pass orders in the disciplinary proceedings within a reasonable time.

For Petitioner : Mr.K.Venkatramani, Senior Counsel
for Mr.T.Ayngaraprabhu

For Respondents : Mr.S.Gunasekaran,
Government Advocate for R1 to R3

ORDER

Petitioner has filed this writ petition, seeking for the issuance of a writ of certiorarified mandamus to call for the records of the second respondent in connection with the impugned order passed in C.No.B1/PR 18/2015 dated 20.04.2015 along with the Minute submitted by the third respondent in PR No.8/2009 dated 15.04.2015 and the subsequent order of the second respondent in Na.Ka.No.B1/Tha.Pa.18/2015 dated 18.05.2015 and quash the same and direct the respondents to change the enquiry officer and conduct the oral enquiry afresh and pass orders in the disciplinary proceedings within a reasonable time.

2.The petitioner faced a disciplinary action under Rule 3(b) of the Tamil Nadu Police Subordinate Service (Discipline and Appeal) Rules. Now, I am not going into the details of the charges made against him.

3.The enquiry was completed. According to the petitioner, it was an exparte enquiry and the enquiry officer viz., the third respondent submitted an enquiry report dated 15.04.2015 holding that some of the charges were proved. Thereafter, the second respondent gave a memorandum dated 20.04.2015 to the petitioner enclosing the aforesaid report of the enquiry officer and directed the petitioner to give his comments on the report of the enquiry officer.

4.According to the learned senior counsel for the petitioner, the petitioner sought for the deposition of witnesses that were made in his absence to make further representation. But the second respondent rejected the same in the order dated 18.05.2015.

5.Now, the petitioner has filed this writ petition seeking to quash both the report of the enquiry officer dated 15.04.2015 and the order of the second respondent dated 18.05.2015.

6.The learned senior counsel for the petitioner, though initially has vehemently contended attacking the impugned orders, has submitted that copies of the deposition of witnesses were served on

the petitioner on 28.05.2015 and he should be given time to make representation on the report of the enquiry officer. In his comments to the findings of the enquiry officer, the petitioner could assail that he was not given adequate opportunity to cross-examine the witnesses, as contended by the learned senior counsel for the petitioner and also could urge other grounds which are urged before this Court.

7. In these circumstances, the writ petition is disposed of with a direction, permitting the petitioner to give comments to the report of the enquiry officer within a period of three weeks from the date of receipt of a copy of this order. On receipt of the same, the disciplinary authority shall pass final orders on the disciplinary proceedings within a period of two weeks thereafter. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1. The Director General of Police,
Dr. Radhakrishnan Salai,
Mylapore, Chennai - 4.
2. The Deputy Inspector General
of Police, Vellore Range,
Vellore.
3. The Additional Superintendent
of Police,
Prohibition Enforcement Wing,
Villupuram.

+1cc to Mr.M.Muthappan, Advocate, S.R.No.26163
+1cc to the Government Pleader, S.R.No.26424

W.P.No.15227 of 2015

TEJ(CO)
CA(12/06/2015)