

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date:- 16.10.2015

Coram

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.Nos.23023 and 28937 of 2014
and
M.P.Nos.1 and 1 of 2014

W.P.No.23023 of 2014

Dr.N.Dhanapal

..Petitioner

/vs/

1.The State of Tamil Nadu,
Rep.by the Principal Secretary to Government,
Tourism, Culture and Religious Endowments Department,
Secretariat, Chennai-9.

2.The Commissioner,
Hindu Religious and Charitable Endowments Dept.,
Nungambakkam, Chennai-34.

3.Thiru.P.Dhanapal,
Commissioner,
Hingu Religious and Chairtable Endowments Dept.,
Nungambakkam, Chennai-34.

..Respondents

This Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus to call for the records on the file of the 2nd respondent in his proceedings in Na.Ka.No.23785/2013/B1 dated 13.06.2013 and additional charge dated 07.10.2013 and quash the same and direct the respondents to regularize the period of suspension with all service and monetary benefits.

For Petitioner : Ms.M.Srividhya
For Respondents : Mr.A.L.Somayaji
Advocate General assisted by
Mr.K.V.Dhanapalan,
Additional Government Pleader

W.P.No.28937 of 2014

Dr.N.Dhanapal

..Petitioner

/vs/

1.The State of Tamil Nadu,
Rep.by the Principal Secretary to Government,
Tourism, Culture and Religious Endowments Department,
Secretariat, Chennai-9.

2.The Commissioner,
Hindu Religious and Charitable Endowments Dept.,
Nungambakkam, Chennai-34.

3.The Enquiry officer,
The Additional Commissioner (Tirupani),
Hindu Religious and charitable Endowments Dept.,
Nungambakkam, Chennai-34.

4.Thiru.P.Dhanapal,
Commissioner,
Hindu Religious and Charitable Endowments Dept.,
Nungambakkam, Chennai-34. ..Respondents

This Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari to call for the records on the file of the 2nd respondent in respect of the charge memo issued by the 2nd respondent bearing Na.Ka.No.59872/ 2012/B1 dated 12.12.2012 and quash the same.

For Petitioner : Mr.R.Singaravelan
for
Mr.A.Palaniappan

For Respondents 1 to 3 : Mr.A.L.Somayaji
Advocate General
assisted by
Mr.K.V.Dhanapalan,
Additional Government Pleader

COMMON ORDER

In these Writ Petitions, the petitioner, who was the Joint Commissioner, Hindu Religious and Charitable Endowments Department, has challenged the charge memos issued to him. The charge memos were challenged on various grounds. Ultimately the petitioner was agreeable to face the domestic enquiry by giving up the challenge to the charge memos subject to two conditions, viz., revocation of suspension and the setting aside of the order passed by the fourth respondent appointing the Enquiry Officer.

2. So far as suspension is concerned, the Government has now revoked the order of suspension and the petitioner is reinstated into service. So far as the enquiry officer

appointed by the then Commissioner, HR & CE Department is concerned, the Government has set aside the same and the Government itself has appointed an Enquiry Officer and therefore, the second aspect of the matter also stands fulfilled.

3. In the light of both the aspects having been fulfilled, the petitioner shall be bound by the undertaking that he is ready and agreeable to participate in the domestic enquiry. However, the Learned counsel for the petitioner apprehends that adequate opportunity may not be granted to the petitioner in the domestic enquiry.

4. The learned Additional Government Pleader submits that the full and effective opportunity would be granted to the petitioner and the principles of natural justice would be complied with.

5. In the light of the above, both the Writ Petitions are disposed of by directing the petitioner to cooperate in the domestic enquiry and in the domestic enquiry, the petitioner shall be afforded full and effective opportunity to put forward his defence. No costs. Consequently, connected Miscellaneous Petitions are closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

mra

To

1.The Principal Secretary to Government,
Tourism, Culture and Religious Endowments Department,
Secretariat, Chennai-9.

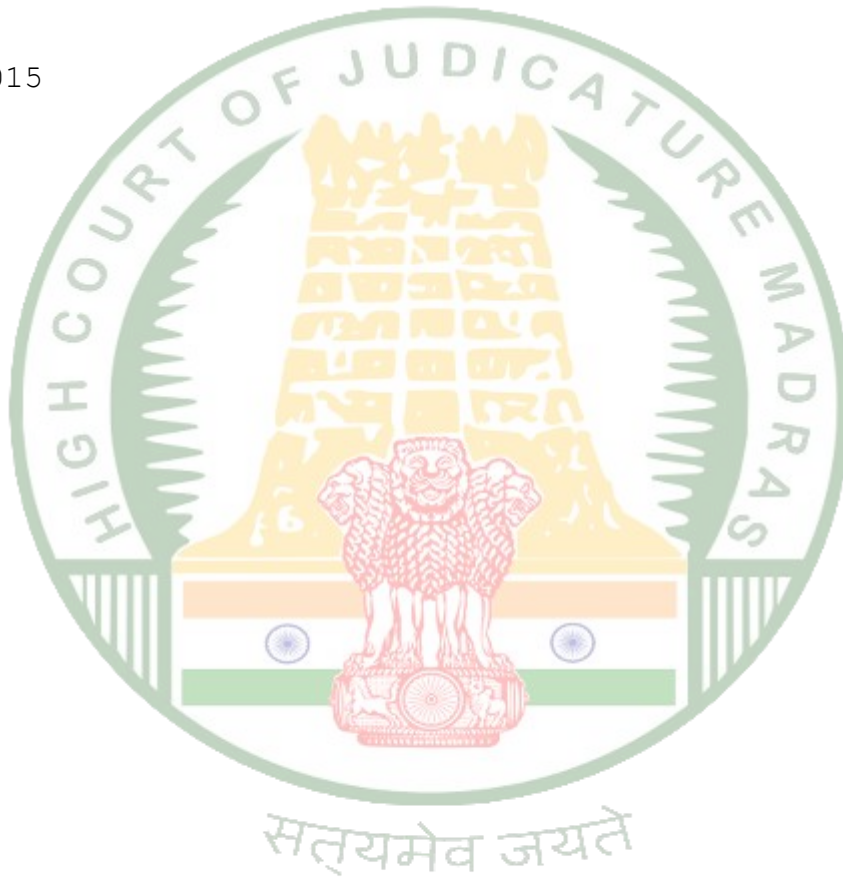
2.The Commissioner,
Hindu Religious and Charitable Endowments Dept.,
Nungambakkam, Chennai-34.

3.The Enquiry officer,
The Additional Commissioner (Tirupani),
Hindu Religious and charitable Endowments Dept.,
Nungambakkam, Chennai-34.

+1 cc to M.Srividya Advocates sr.57787
+1 cc to Special Government Pleader (HR & CE)
sr.57812
+1 cc to Special Government Pleader (HR & CE)
sr.57814

W.P.Nos.23023 and 28937 of 2014

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