

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.12.2015

CORAM

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P.No.29449 of 2015

and

M.P.No.1 of 2015

J.Dhanapal

PETITIONER

Vs

- 1 The State of Tamilnadu
rep. by its Secretary to Government
Department of Education, Secretariat,
Chennai-600 009.
 - 2 The Commissioner of Disciplinary Proceedings
Market Committee Building,
Ramanathapuram, Coimbatore -45.
 - 3 The Director of School Education,
College Road, DPI Compound,
Chennai-600 006.
- .. RESPONDENTS

Prayer: The Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned Enquiry Report dated 27.12.2012 made in TDP Case No.11 of 2006 submitted by the 2nd respondent and the consequential final show cause notice in Na.Ka.No.124051/A3/E2/2004 dated 8.6.2015 issued by the 3rd respondent, quash the same and direct the respondents 1 and 3 to grant all consequential benefits including the promotion to the post of Personal Assistant to the District Educational Officer.

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For Petitioner : Mr.N.Manokaran

For Respondents : Mr.V.Jayaprakash Narayanan
Special Government Pleader

O R D E R

By consent, the writ petition is taken up for final disposal.

2. The writ petition has been filed to quash the impugned enquiry report dated 27.12.2012 made in TDP Case No.11 of 2006 submitted by the second respondent and consequential final show cause notice issued by the third respondent on 08.06.2015.

3. It is seen from the records that disciplinary proceedings was initiated against the petitioner by issuing a charge memo dated 29.06.2006. The enquiry officer submitted his report and thereafter, the respondents issued the second show cause notice along with enquiry report, for which, the petitioner has also submitted his explanation dated 17.07.2015.

4. Mr.N.Manokaran, learned counsel for the petitioner submitted that the complaint was given to victimise the petitioner and he was not given ample opportunity to defend his case and therefore, the impugned enquiry report is liable to be quashed.

5. On the other hand, Mr.V.Jayaprakash Narayanan, learned Special government Pleader submitted that the enquiry officer was appointed in the year 2006 and for nearly seven years, the petitioner had been taking part in the enquiry proceedings. The respondents examined more than 22 witness to establish the charge against the petitioner. It is further submitted that the petitioner has given his detailed reply dated 17.07.2015 which would be considered by the disciplinary authority at the time of passing final orders and at this stage, the enquiry report need not be set aside.

6. Heard the submissions of the counsel on either side and perused the materials available on record.

7. Indisputably the disciplinary proceedings against the petitioner was initiated in the year 2006. The enquiry commenced on 09.08.2006. It is also not in dispute the second show cause notice, along with the report of the enquiry office dated 27.12.2012 was issued to the petitioner on 08.06.2015 for which he had submitted his explanation on 17.07.2015 and the Disciplinary authority has to pass final order.

8. In the light of the above, undisputed facts, the grievance of the petitioner cannot be gone into at this stage. This Court does not find any merit in this writ petition. In

the result, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed. It is needless to observe that the third respondent shall consider the reply submitted by the petitioner before taking a final decision in this case.

Sd/-
Asst.Registrar (CS VII)

/true copy/

Sub Asst. Registrar

sms

To

- 1 The Secretary to Government of Tamilnadu
Department of Education, Secretariat,
Chennai-600 009.
 - 2 The Commissioner of Disciplinary Proceedings
Market Committee Building,
Ramanathapuram, Coimbatore -45.
 - 3 The Director of School Education,
College Road, DPI Compound,
Chennai-600 006.
- 1 cc to Mr.N. Manokaran, Advocate, Sr. 68673
1 cc to Government Pleader, Sr. 68740

W.P.No.29449 of 2015
and
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