

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.02.2015

CORAM

THE HONOURABLE Mr. JUSTICE K.K.SASIDHARAN

W.P.No.19051 of 2014,
M.P.Nos.1 and 2 of 2014
and
M.P.No.1 of 2015

R.Kumar

...Petitioner

vs.

1.The Managing Director,
Puducherry Road Transport Corporation,
Puducherry.

2.R.Mukundan

...Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a writ of certiorarified mandamus, calling for the records of the second respondent relating to enquiry proceedings dated 08.07.2014 into the charge memo dated 19.02.2014 against the petitioner, quash the same in so far as it relates to rejection of petitioner's request for engaging a Lawyer and to issue consequential directions to the respondents to permit the petitioner to engage a counsel and then proceed with the enquiry.

For Petitioner : Mr.M.Ravi

For Respondents : Mr.A.R.Nixon for R1

O R D E R

The petitioner challenges the appointment of the second respondent as Enquiry Officer on the ground that he was a counsel for the complainant earlier.

2. When the writ petition was taken up for consideration, Mr.A.R.Nixon, learned Standing Counsel for the first respondent on instructions submitted that the first respondent has decided to change the Enquiry Officer pursuant to his advise. According to the

learned Standing Counsel, another person, who is not a Lawyer would be appointed as Enquiry Officer.

3. In view of the undertaking given by the learned Standing Counsel that a fresh Enquiry Officer would be appointed, the learned counsel for the petitioner submitted that the petitioner would face the enquiry.

4. In view of the subsequent events culminating in taking a decision by the first respondent to change the Enquiry Officer and to appoint another person to conduct the Enquiry, who would not be a Lawyer, no factual adjudication is necessary in the writ petition.

5. The writ petition is disposed of with the above observation. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar

svki

To

The Managing Director,
Puducherry Road Transport Corporation,
Puducherry.

1 CC to Mr.M.Ravi, Advocate SR.No. 10125

1 CC to Mr.A.R.Nixon, Advocate SR.No. 9829

WEB COPY

W.P.No.19051 of 2014

MP (CO)
PSI (11.03.2015)