

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 19.11.2015

CORAM

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P.No.36819 of 2015
and M.P.Nos.1 and 2 of 2015

N.Karunakaran

...

Petitioner

- Vs -

1. The Joint Commissioner of Police,
O/o The Joint Commissioner of Police,
North Zone, Egmore,
Chennai - 600 008.

2. The Deputy Commissioner of Police,
Madhavaram District,
Madhavaram High Road,
Chennai - 600 110.

....

Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus forbearing the respondents from proceeding with the departmental enquiry in terms of the charge memo made in Th.Co.No.64/Tha.P.Va.(1)/2015 dated 01.08.2015 issued by the 2nd respondent and approved on 08.08.2015 by the 1st respondent without furnishing the copy of the documents particularly described in Annexure-3 of the aforesaid charge memo.

For Petitioner : Mr.G.Ethirajulu

For Respondents : Mrs.M.E.Rani Selvam,
Addl. Govt. Pleader

O R D E R

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

2. According to the petitioner, he was appointed as Sub-Inspector of Police on 01.03.1996 and thereafter promoted as Inspector of Police with effect from 20.10.2005. It is the case

of the petitioner that he was issued with a charge memo by the 2nd respondent in Th.Co.No.64/Tha.P.Va.(1)/2015 dated 01.08.2015 framing charges under Rule 3 (b) of the Tamil Nadu Police Subordinate Service (Discipline & Appeal) Rules and sought for explanation from the petitioner within fifteen days from the date of receipt of the charge memo.

3. The grievance of the petitioner is that the second respondent has not furnished the copies of the documents as mentioned in Annexure - 3 of the charge memo to enable the petitioner to submit his explanation. Hence, the petitioner made a representation to the 2nd respondent on 29.10.2015 seeking statement of the witnesses referred in Annexure - 3. However, without furnishing the documents sought for by the petitioner, the 2nd respondent is proceeding with the enquiry. Hence, the present writ petition.

4. Heard Mr.G.Ethirajulu, learned counsel appearing for the petitioner and Mrs.M.E.Rani Selvam, learned Additional Government Pleader who accepts notice on behalf of the respondents.

5. It is seen that in the Annexure -3 to the charge memo, the 2nd respondent has relied on the statements obtained from five witnesses to prove the charges against the petitioner. However, without furnishing those statements, the 2nd respondent has sought for explanation from the petitioner within fifteen days from the date of receipt of the charge memo.

6. It is not in dispute that the 2nd respondent has relied upon the statement of witnesses to establish the charges framed against the petitioner and without furnishing those documents, called for explanation for the charges levelled against him. In my considered view, the petitioner is entitled for the documents relied upon by the respondent in Annexure - 3 of the charge memo.

7. In view of my finding, the 2nd respondent is directed to furnish the statement referred to in Annexure - 3 of the charge memo to the petitioner, within a period of ten (10 days) from the date of receipt of a copy of this order. On receipt of the documents, the petitioner is directed to submit his explanation within a period of two (2) weeks thereafter. In the meanwhile, the 2nd respondent shall keep in abeyance the departmental proceedings.

8. The writ petition is disposed of accordingly. No costs. Consequently, connected Miscellaneous Petitions are closed.
rgr

s/d-
Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

To

1. The Joint Commissioner of Police,
O/o The Joint Commissioner of Police,
North Zone, Egmore,
Chennai - 600 008.

2. The Deputy Commissioner of Police,
Madhavaram District,
Madhavaram High Road,
Chennai - 600 110.

+ 1 cc to M/s.G.Ethirajulu, Advocate SR 63153

+ 1 cc to Govt.Pleader SR 62950

skv(co)
prk21/12

W.P.No.36819 of 2015



सत्यमेव जयते

WEB COPY