

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14-06-2016

CORAM

THE HON'BLE MR. JUSTICE B. RAJENDRAN

Writ Petition No.2257 of 2016
and
W.M.P.No.1950 of 2016

R.Manahavala Perumal .. Petitioner
Vs.

1. The Director of Municipal Administration
Ezhilagam, Annexe Building
Chepauk, Chennai 600 005.
2. The Commissioner
Tirunelveli City Municipal Corporation
Tirunelveli-1. .. Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the first respondent to furnish to the petitioner all documents sought for by him through his representation dated 14.12.2015 pursuant to the proceedings instituted by the first respondent as against the petitioner in ROC No.56898/2009/P4(IT) dated 17.11.2015.

For Petitioners : Mr.T.T.Ravichandran

For Respondents : Mr.K.Rajendra Prasad
Government Advocate for R1
Mr.S.Kandasamy for R2

O R D E R

The prayer in the writ petition is for the issuance of a Writ of Mandamus to direct the first respondent to furnish to the petitioner all documents sought for by him through his representation dated 14.12.2015 pursuant to the proceedings instituted by the first respondent as against the petitioner in ROC No.56898/2009/P4(IT) dated 17.11.2015.

2. The case of the petitioner in brief is as follows:

The petitioner was appointed as System Analyst in the first respondent office on deputation basis as per order dated 26.01.2008. While so, he sought for regularization of his job permanently in the first respondent office. Normally the period of deputation would be for three years and the same can be extended for one more year under exceptional circumstances. In the meantime, to his shock and surprise, he was relieved from the said post by order of the first respondent dated 05.01.2015. Challenging the same, he filed writ petition and writ appeal before this Court and pending the said proceedings, he was on medical leave. In such circumstances, disciplinary proceedings were initiated against him by the first respondent and he was issued with the Official Memorandum dated 17.11.2015 citing certain irregularities committed by him during the period from 06.02.2008 to 05.06.2015 while he was working as a System Analyst. In order to give effective explanation to the charges framed against him, he sent a representation to the first respondent dated 14.12.2015 seeking certain documents. However, the same was not furnished. Hence, the present writ petition.

3. Heard both sides.

4. Learned Government Advocate appearing on behalf of the first respondent would submit that all the documents sought for by the petitioner vide his representation dated 14.12.2015 cannot be supplied due to the fact that confidentiality has to be maintained by the respondents. However, he would submit that out of the several documents sought for by the petitioner only three documents could be given.

5. It is seen that the petitioner has sought for the following documents to be served upon him for submitted effective explanation to the charges framed against him.

A. File No. 56898/ITC/2009:

1. Xerox copy of Note file and current file.
2. Tentative proposal sent to World Bank under TNSUDB by CMA in the period of August to December.
3. Bank Account Statement for the above period in SBI for e-governance
4. Office order of the IT Section
5. Copy of payment voucher given to M/s. Amia Infotech
6. Duties and responsibilities of ITS and System Analyst
7. Copy of Tender register
8. Minutes of the Meeting conducted by the CMA in connection with the M/s. Bhawan Cypertech
9. Final Report sent to World Bank

- B. File No.1140/2013/GIS:
Note file and current file.
- C. File No.29954/2014/UPA2:
1. Note file and current file
 2. Letter to sent to Finance Secretary
 3. Minutes of the Meeting received from Finance Secretary
 4. Copy of the mail sent and received from NIC
 5. Copy of letter received from UPA Section signed by CMA
 6. Bank account statement for the above period in SBI for e-governance [Newly opened for IT section by UPA]

6. A bare perusal of the same, would very well show that the documents sought for by the petitioner cannot be given to any one as all are important documents to which secrecy has to be maintained by the Officials Department concerned except the following three documents, viz.,

1. Office order of the IT Section
2. Copy of payment voucher given to M/s.Amia Infotech
3. Duties and responsibilities of ITS and System Analyst pertaining to File No.56898/ITC/2009.

7. The petitioner, even though will be very well knowing the said fact, has sought for such documents to submit his explanation for the memorandum issued by the first respondent. As such, it could be easily understood that only to drag on the proceedings, such documents are sought for, which act should be deprecated.

8. When this Court expressed its view, the learned counsel for the petitioner would restrict his prayer only to the extent of receiving the three documents, which could be issued by the Department by considering his representation dated 14.12.2015. He would also submit that there are other pending proceedings before this Court.

9. Considering the facts and circumstances of the case and taking into account the fact that the disciplinary proceedings are pending from 17.11.2015, the first respondent is directed to issue copy of the following three documents, viz.,

1. Office order of the IT Section
 2. Copy of payment voucher given to M/s.Amia Infotech
 3. Duties and responsibilities of ITS and System Analyst
- pertaining to File No.56898/ITC/2009 to the petitioner within a period of one week from the date of receipt of a copy of this order. On such receipt of the documents, the petitioner is directed to submit his explanation without any further delay. It is also made clear that the petitioner should extend his fullest co-operation, de hors the pendency of the other writ petitions in W.P.Nos.35983 of 2015 and 39174 of 2015 before this

Court, for the conduct of the enquiry and he shall not drag on the proceedings.

10. With the above direction, this writ petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

To

1. The Director of Municipal Administration,
Ezhilagam, Annexe Building,
Chepauk, Chennai 600 005.
2. The Commissioner,
Tirunelveli City Municipal Corporation,
Tirunelveli-1.

+1cc to Mr.T.T.Ravichandran, Advocate Sr.33088
+1cc to the Government Pleader Sr.32439,
+1cc to Mr.S.Kandasamy, Advocate Sr.32063

W.P.No.2257 of 2016

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srg 21/06/2016

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