



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.07.2016

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P(MD) .No.12579 of 2016

and

W.M.P. (MD) .No.9502 of 2016

M.Angelin Louisa

... Petitioner

Vs

1.The Secretary to Government,
Rural Development and Panchayat Raj Department,
Secretariat, Chennai-600 009.

2.The Director of Rural Development
and Panchayat Raj,
Panagal Building, Chennai-600 015.

3.The District Collector,
O/o. District Collector Office,
Tirunelveli, Tirunelveli District.

4.The Enquiry Officer,
Special Deputy Collector (SSS),
O/o.the District Collector Office,
Tirunelveli, Tirunelveli District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Certiorari to call for the records relating to the impugned enquiry report passed by the 4th respondent in his proceedings Nil dated 20.06.2016 and the consequential impugned order passed by the 3rd respondent in his proceedings R.o.c.No.N2/32356/2015 dated 30.06.2016 (both the impugned order served to the petitioner on 04.07.2016) and quash the same as illegal.

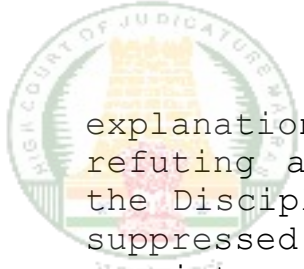
For petitioner : Mr.Imrankhan for
M/s.Ajmal Associates

For Respondents : Mr.M.Rajarajan
Government Advocate

ORDER

<https://hcservices.ecourts.gov.in/hcservices/>

The petitioner herein, who suffered disciplinary proceedings for two counts of charges, submitted a detailed



explanation to the charge memo, dated 20.02.2015, on 07.04.2016, refuting all the allegations mentioned in the charge memo, but, the Disciplinary Authority, on the premise that the petitioner has suppressed some of the vital information at the time of getting appointment on compassionate grounds, appointed an Enquiry Officer, who in turn, submitted his Enquiry Report. Assailing the correctness of the Enquiry Report, the petitioner has come forward with the present Writ Petition.

2. His main thrust of the argument is that, despite production of a number of documents by the petitioner, in support of her claim, the Enquiry Officer has rejected almost all the documents leaving the petitioner in lurch, therefore, the Enquiry Report filed by him is liable to be interfered with, by this Court.

3. Be that as it may, the present Writ Petition is wholly misconceived for the reason that, at this stage, the petitioner cannot challenge the correctness of the Enquiry Report. If the petitioner gives an explanation with supporting documents, there is a probability that the Disciplinary Authority may take a different decision. Therefore, this Court is not inclined to entertain this Writ Petition. However, in the larger interest of both sides, the petitioner is directed to submit her explanation within a period of two weeks from the date of receipt of a copy of this order and on receipt of the same, the Disciplinary Authority shall consider the case of the petitioner, on merits and in accordance with law and pass appropriate orders, within a period of eight weeks, thereafter. Needless to mention that the petitioner can raise all the grounds available to her in the explanation to be submitted by her.

With the above direction, this Writ Petition stands dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CSII)

/True Copy/

Sub Assistant Registrar

ssm

To

1. The Secretary to Government,
Rural Development and Panchayat Raj Department,
Secretariat, Chennai-600 009.



3.The District Collector,
O/o. District Collector Office,
Tirunelveli, Tirunelveli District.

4.The Enquiry Officer,
Special Deputy Collector (SSS),
O/o.the District Collectorate Office,
Tirunelveli, Tirunelveli District.

+1 cc to M/s.AJMAL ASSOCIATES,Advocate, Sr.No: 37498

+1cc to M/S Special Government Pleader, Sr No. 37260

JAM/SKS-RR/23.09.16/ 3P-7C

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