

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 3.11.2017

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

W.A.No.1349 of 2017
and
C.M.P.No.18655 of 2017

P. Premkumar

Appellant

Vs

1 The General Manager I/c (RS)
Indian Oil Corporation Ltd.,
No.139, Uthamar Gandhi Salai,
Nungambakkam, Chennai 600 034.

2. The General Manager (HR)
Indian Oil Corporation Ltd.,
No.139, Uthamar Gandhi Salai,
Nungambakkam, Chennai 600 034.

3. V.Z.Kumar,
DGM (M&I) SRO
The Enquiry Officer,
Indian Oil Corporation Ltd.,
No.139, Uthamar Gandhi Salai,
Nungambakkam, Chennai 600 034.

Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 4.9.2017 passed in W.P.No.20860 of 2015 on the file of this court.

Prayer in W.P.No.20860 of 2015:

Writ petition filed under Article 226 of the constitution of India to issue a writ of Certiorari Mandamus to call for the records pertaining to the issue of the impugned order dated 08.07.2015 issued by the 3rd Respondent and quash the same and consequently to direct the respondents to permit the petitioner to engage an advocate to assist him in the departmental enquiry initiated against the petitioner by the respondents.

For appellants:Mr.Fr.Xavier Arulraj, Senior Counsel for
Mr.G.Mutharasu

For respondent: Mr.Anand Gopal for
M/s.T.S.Gopalan & Co.

JUDGMENT

(Judgment of the court was made by HULUVADI G.RAMESH, J.)

Heard the learned Senior Counsel counsel appearing for the appellant and Mr.Anand Gopal, learned counsel, who takes notice on behalf of the respondents.

2. It appears that the appellant/writ petitioner, who is facing a disciplinary proceedings initiated by the respondents, sought for permission to take legal assistance to defend his case and since it was rejected, he challenged the same in the writ petition and since the writ petition also came to be dismissed, he is before us seeking indulgence of this court.

3. On perusal of the order passed by the learned Single Judge, we find that the learned Single Judge has appreciated the fact that both the Enquiry Officer and the Presenting Officer are Engineers and they are not legally trained persons and therefore, held that the petitioner/appellant is not entitled to have the assistance of an Advocate. Such being the finding of the learned Single Judge, we are not inclined to differ with the view of the learned Single Judge. The learned Single Judge has also left it open to the writ petitioner/appellant to engage a co-employee or retired official to assist him. We agree with the concession shown by the learned Single Judge, provided, we make it clear that such a person shall not be legally trained one. The writ appeal is disposed of accordingly. No costs. The connected miscellaneous petition is closed.

s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

ssk.

To:

1 The General Manager I/c (RS)
Indian Oil Corporation Ltd.,
No.139, Uthamar Gandhi Salai,
Nungambakkam, Chennai 600 034.

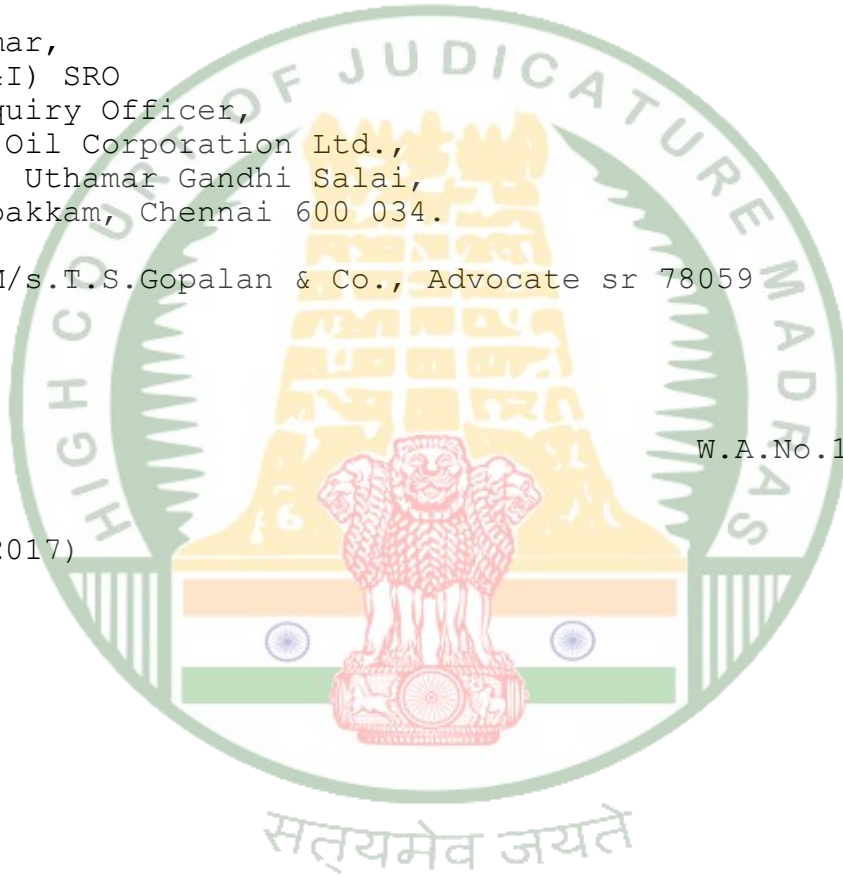
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+1 CC to M/s.T.S.Gopalan & Co., Advocate sr 78059

W.A.No.1349 of 2017

SS (CO)
SP (07/12/2017)



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