

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.04.2017

CORAM:

THE HON'BLE MR. JUSTICE T.RAJA

W.P.No. 9740 of 2017

G. Rufus David

Petitioner

vs.

- 1 The Joint Director (Personnel)
Department of School Education
DPI Complex
College Road
Chennai 600 006
- 2 The Chief Educational Officer
Nilgiris District
Udhagamandalam
The Nilgiris
- 3 The District Educational Officer
Coonoor
The Nilgiris

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorari calling for the records of the first respondent pertaining to his proceedings in Na.Ka.No.039336/C3/E3/2016 and Na.Ka.No.39336/C3/E3/2016 and quash the orders dated 07.11.2016 and 13.03.2017.

For petitioner Mr. R. Shivakumar

For respondents Mr. T.M. Pappiah
Special Government Pleader

ORDER

Mr. T.M. Pappiah, learned Special Government Pleader, accepts notice for the respondents. With consent, this writ petition is taken up for final disposal at the admission stage itself.

2 In this writ petition, the petitioner impugns the charge memo dated 07.11.2016 issued by the first respondent under Rule 17(a) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules and the proceedings dated 13.03.2017 issued by the first respondent, whereby and whereunder, not being

satisfied with his request for furnishing documents cited under reference in the charge memo, the petitioner was asked to submit his explanation to the charge memo within one week.

3 The main plank of contention of the petitioner is that despite his explanation dated 19.12.2016 seeking to furnish him the copies of four documents cited under reference and relied upon in the charge memo dated 07.11.2016, viz., (i) letter dated 03.06.2016 of the Chief Educational Officer, Nilgiris District, (ii) enquiry report dated 13.04.2016 of the District Educational Officer, Coonoor and (iii) letters dated 14.12.2015 and 20.02.2015 of the Headmaster, Government High School, Kookalthorai, he was not furnished with the said documents, which is against the settled legal position that a delinquent should not be proceeded against departmentally without furnishing him the documents relied upon in the charge memo.

4 The learned Special Government Pleader also fairly admitted that the petitioner is legally entitled to get a copy of those four documents sought by him.

5 In view of the above submission made by the learned Special Government Pleader, this Court directs the first respondent to furnish a copy of the four documents cited under reference in the charge memo dated 07.11.2016, to the petitioner, within a period of two weeks from the date of receipt of a copy of this order. It is further directed that, upon receipt of the said documents sought by him, the petitioner shall submit his explanation to the charge memo dated 07.11.2016 within a period of two weeks and after receipt of the petitioner's explanation to the charge memo, it is for the Enquiry Officer to proceed further in the manner known to law.

With the above directions, this writ petition stands disposed of. Costs made easy. Connected W.M.P. is closed.

Sd/-

Asst.Registrar

/true copy/

Sub Asst. Registrar

cad

To

1 The Joint Director (Personnel)
Department of School Education
DPI Complex
College Road
Chennai 600 006

2 The Chief Educational Officer
Nilgiris District
Udhagamandalam
The Nilgiris

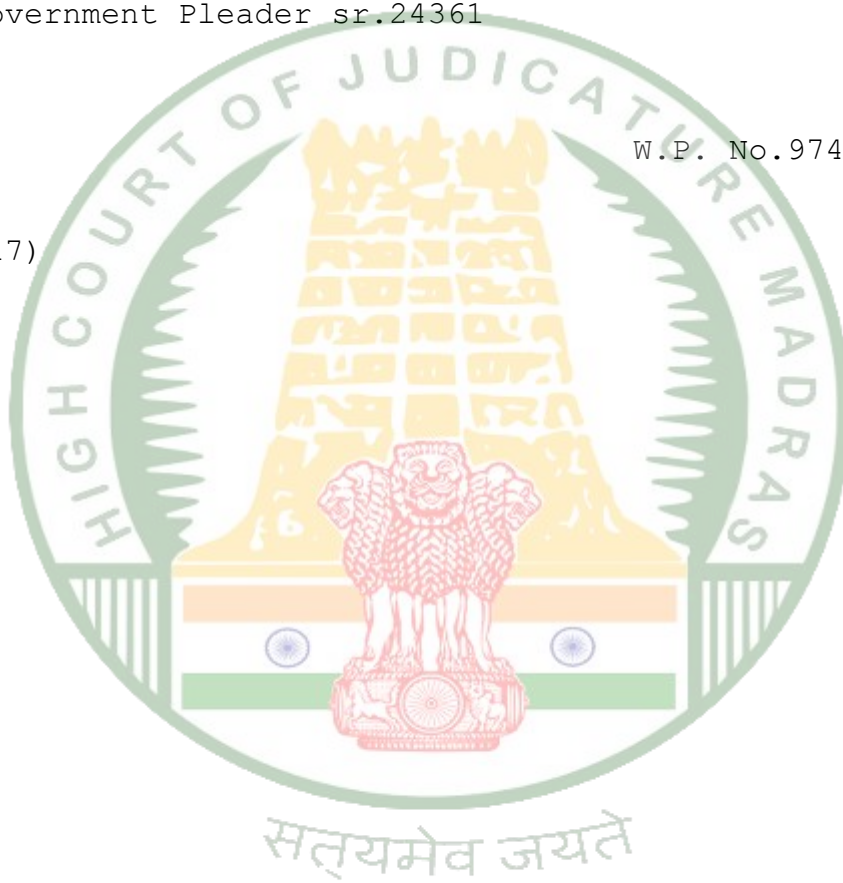
3 The District Educational Officer
Coonoor
The Nilgiris

+1cc to Mr.R.Sivakumar, Advocate sr.24003

+1cc to Government Pleader sr.24361

W.P. No.9740 of 2017

gj (co)
ss(9/5/2017)



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