

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.09.2017

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.22259 of 2004
and
W.P.M.P.No.26952 of 2004

P.Jeyabaskaran

... Petitioner

Vs.

1. The State of Tamil Nadu,
Rep. by its Secretary to Government
Home (Transport-II) Department,
Fort St.George,
Chennai - 600 009.
2. The Enquiry Officer/Deputy Transport,
Commissioner - II,
O/o. Transport Commissioner,
Chepauk,
Chennai - 600 005.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records relating to the proceedings made in Confdl.No.4/DTC-II/2004 dated 05.07.2004 issued by the second respondent and quash the same and forebear the second respondent, from conducting an enquiry against the petitioner on 03.08.2004 or any other subsequent dates in pursuant to the notice made in Confdl.No.4/DTC-II/2004 dated 05.07.2004 issued by the second respondent.

For Petitioner : Mr.G.Ethirajulu

For Respondent : Mr.M.Elumalai
Government Advocate

O R D E R

The petitioner filed a writ petition challenging the enquiry notice dated 05.07.2004 issued by the second respondent and to quash the same and forebear the second respondent, from conducting an enquiry against the petitioner on 03.08.2004 or

any other subsequent dates in pursuant to the notice made in Confdl.No.4/DTC-II/2004 dated 05.07.2004 issued by the second respondent.

2. Learned counsel for the petitioner would submit that the petitioner was already issued with a charge memo dated 26.09.2003 which was challenged before the Administrative Tribunal in O.A.No.1245 of 2004 wherein the State Administrative Tribunal set aside the charge memo and directed the respondent to consider the promotion to the post of Motor Vehicle Inspector Grade I. Without considering the above order, the respondent issued enquiry notice on 05.07.2004 which is not sustainable and the said enquiry notice is contrary to the order passed by the Administrative Tribunal. Accordingly, he prayed for allowing of the writ petition.

3. On perusal of the impugned order dated 05.07.2004 and the charge memo dated 26.09.2004, it is seen that both are completely different. The said charge memo dated 26.09.2003 is not mentioned in the impugned order. The impugned enquiry officer's notice relates to vigilance and Anti-Corruption Department. Hence, I am not able to accept the request made by the learned counsel appearing for the petitioner and the charge memo since the charge memo issued in the year 2003 is completely different from the impugned notice.

4. The show cause notice issued by the Enquiry Officer dated 05.07.2004 has nothing to do with the charge memo dated 26.09.2003 and the same is not in violation of the Administrative Tribunal's order dated 05.05.2004. Admittedly, it is only a show cause notice. Whatever the grievance raised by the petitioner can be ventilated before the Enquiry Officer and the petitioner is liable to disprove the departmental case. Hence, the enquiry notice issued by the second respondent does not call for any interference.

Accordingly, the writ petition is dismissed. However, it is open to the petitioner to appear before the Enquiry Officer and establish his innocence before him. No costs. Consequently, connected miscellaneous petition is closed.

gv

Sd/-
Asst.Registrar

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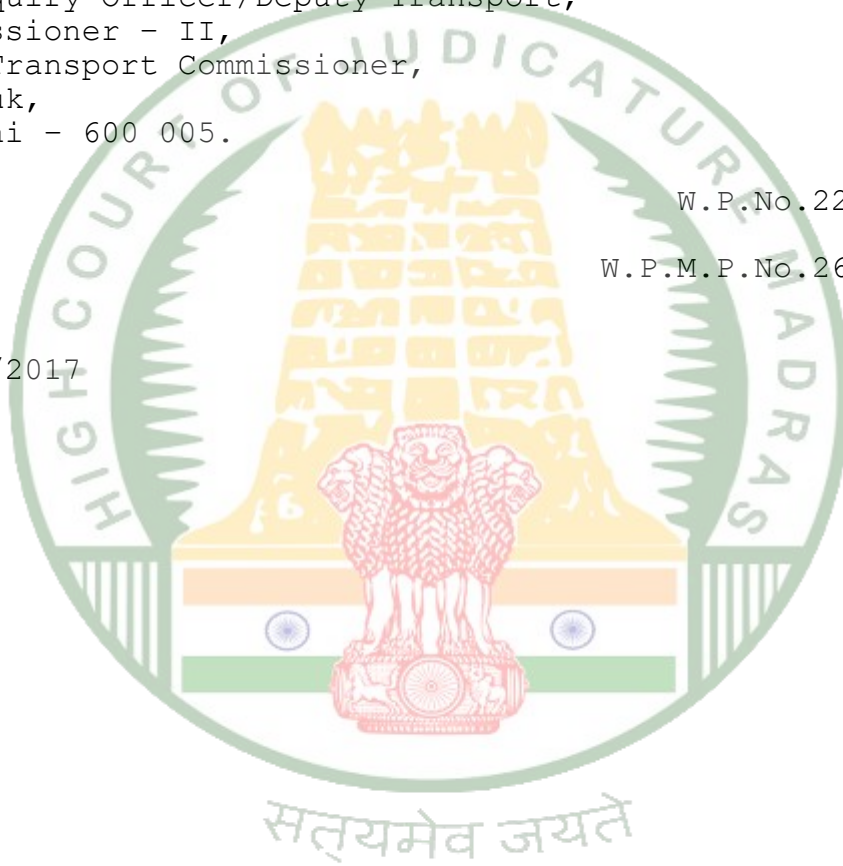
Sub Asst. Registrar

To

1. The Secretary to Government
State of Tamil Nadu,
Home (Transport-II) Department,
Fort St.George,
Chennai - 600 009.
2. The Enquiry Officer/Deputy Transport,
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O/o. Transport Commissioner,
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SVI (CO)
RVR 14/11/2017



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