

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.09.2017

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.33721 of 2004

And

W.P.M.P.No.40781 of 2004

R.Iyyanan

... Petitioner

Vs.

- 1.The State of Tamil Nadu
represented by its Secretary to Government,
Department of Handlooms and Textiles,
Fort St. George,
Chennai – 600 009.
- 2.The Director
Handloom and Textiles,
Kuralagam, 2nd Floor,
Chennai – 108.
- 3.The Assistant Director
Office of Handloom Textiles,
No.426, Bhavani Main Road,
Ashokapuram, Erode.
- 4.The Special Officer,
Sethunampalayam Weaver's Co-operative Production and
Sales Society Ltd. No.EH-46,
Sethunampalayam,
Sindhagoundanpalayam Post,
Sakthi Nagar (via),
Bhavani Taluk, Erode District.

5.Mr.R.Mohan Sankar

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the records relating to the proceedings of the fifth respondent dated 25.10.2004 and the consequential proceedings dated 08.11.2004, quash the same.

For Petitioner : Mr.R.N.Amarnath
For Respondents : Mr.A.Elumalai for R1 to R4
Government Advocate

ORDER

The petitioner has filed this writ petition seeking issuance of Writ of Certiorari calling for the records relating to the proceedings of the fifth respondent dated 25.10.2004 and the consequential proceedings dated 08.11.2004 and to quash the same.

2.Heard the learned counsel appearing for the petitioner as well as the learned Government Advocate appearing for the respondents.

3.According to the petitioner, he joined the service of the fourth respondent society as Appraiser on 26.03.1981. Certain charges were levelled against the servants of the fourth respondent Weaver's society by the third respondent vide memo dated 15.10.2001 and the third respondent also directed the fourth respondent to take action against them. The petitioner was issued with a charge memo dated 02.03.2002. The petitioner sent his explanation denying the charges.

Being not satisfied with his explanation, the fourth respondent vide order dated 12.11.2002 suspended the petitioner from service and appointed an enquiry officer to enquire into the charges. The enquiry officer filed the report dated 31.07.2004 holding that the charges were not proved. Thereafter, the fourth respondent by his order dated 28.08.2004 revoked the order of suspension and reinstated the petitioner into service, however, he was imposed with a penalty of stoppage of increment for three months without cumulative effect. Thereafter, considering the serious gravity of the charge, the fourth respondent on 11.09.2004 cancelled the earlier order dated 28.08.2004 and once again suspended the petitioner from service and ordered for enquiry. Thereafter, the petitioner received a notice from the fifth respondent/ Mr.R.Mohan Sankar, Advocate, stating that he has been appointed as the enquiry officer and further calling upon the petitioner to appear for the enquiry for the alleged charges contained in the charge memo dated 15.10.2001. That notice and the consequential notice of the enquiry officer dated 08.11.2004 are impugned in this writ petition.

4.Writ petition will not lie as against the co-operative society as well as the enquiry officer. The petitioner challenges only the notices issued by the enquiry officer calling upon him to appear for the enquiry

on a particular date. Further, the impugned notices issued by the enquiry officer do not have any statutory backing.

5.Hence, this writ petition is dismissed with liberty to the petitioner to work out his remedy in the manner known to law. No costs. Consequently, the connected miscellaneous petition is also closed.

15.09.2017

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Speaking Order/ Non Speaking Order

Index: Yes/ No Internet: Yes/ No

To

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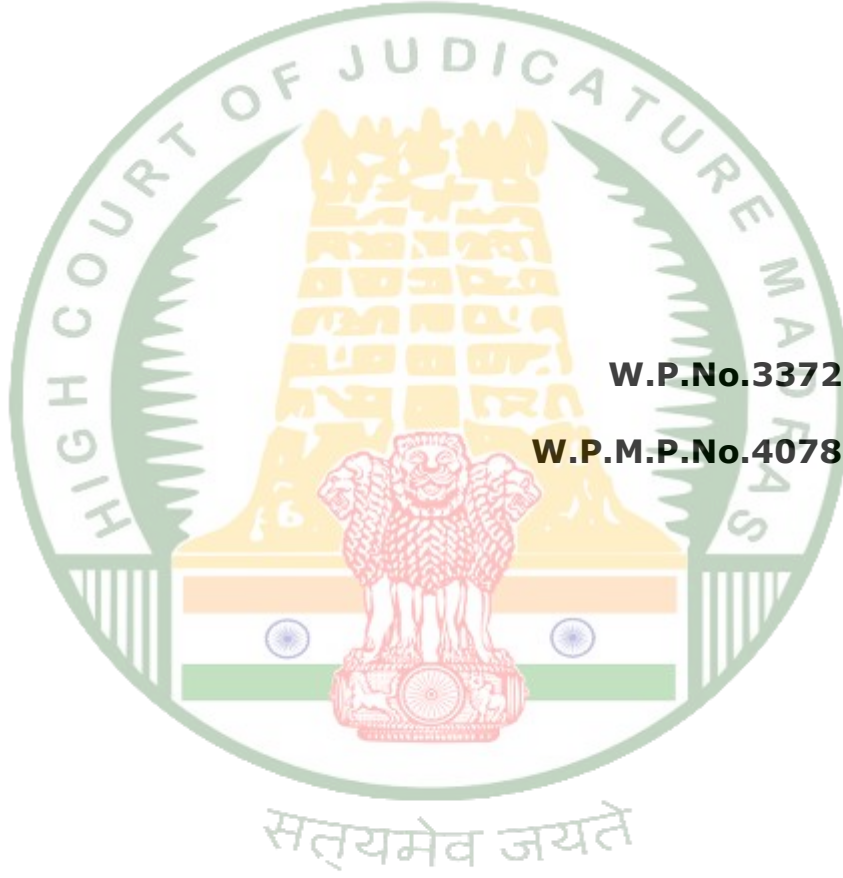
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M.DHANDAPANI,J.
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