

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:21.07.2017

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THE HONOURABLE Mr. JUSTICE M.VENUGOPAL
AND
THE HONOURABLE Mr. JUSTICE P.D.AUDIKEVALU

W.P.No.1171 of 2017 and
W.M.P.No.1122 of 2017

M.Ramamurthy

.. Petitioner

Vs.

1.The State Level Scrutiny Committee
Rep. By its Chairman and Principal Secretary to
Government,
Adi Dravidar and Tribal Welfare Department,
Secretariat, Chennai-9.

2.The General Manager,
Bharat Sanchar Nigam Ltd.,
No.20-A, West Great Cotton Road,
Telephone Exchange Building,
Tuticorin-628 001.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari to call for the records connected with the impugned order bearing proceedings No.1005/CV-2/2014-9, dated 08.09.2016 issued by the first respondent and quash the same.

For Petitioner : Mr.S.Doraisamy
For R1 : Mr.K.Venkataramani, A.A.G.,
Assisted by Mr.K.V.Dhanapalan,
Spl. Government Pleader
For R2 : Mr.Udayakumar

ORDER

[Order of the Court was made by **M.VENUGOPAL, J.**]

On 29.06.2017, this Court in the present Writ Petition at paragraphs 2 to 4 had observed the following and directed the matter to be posted on 10.07.2017:

"2.The order passed by the State Level Scrutiny Committee does not contain any material much less genuine material in support of its finding that the Vigilance Cell report is not acceptable. The State Level Scrutiny Committee simply stated that "the Vigilance Cell Report is not convincingly satisfactory.

3. The Hon'ble Supreme Court in *Kumari Madhuri Patil v. Additional Commissioner, Tribal Development and others* [(1994) 6 SCC 241] observed that in case the report of the Vigilance Cell is in favour of the candidate and found to be genuine and true, no further action need be taken except where the report or the particulars given are procured or found to be false or fraudulently obtained and in the latter event the same procedure as is envisaged in para 6 to be

followed.

4. The order passed by the State Level Scrutiny Committee does not contain any material to suggest that the Vigilance Cell report was procured or it was found to be false or fraudulently obtained. We, therefore, direct the learned Special Government Pleader to take instructions as to whether this order could be recalled for the purpose of conducting fresh enquiry.

The learned Special Government Pleader seeks time to take instructions. Print the name of Mr.Udayakumar, for the second respondent.

Post on 10th July, 22017."

Thereafter, the matter came up for hearing on 18.07.2017 and 20.07.2017. On 18.07.2017, the learned Additional Advocate General Mr.K.Venkataramani, sought time to obtain necessary instructions for recalling the impugned order dated 08.09.2016 passed by the First Respondent/Committee. Accordingly, the case was adjourned to 20.07.2017. On 20.07.2017, when the Writ Petition came up for hearing, further time is sought for. In this back ground, the Writ Petition is directed to be listed today.

2.Today, i.e. 21.07.2017, on behalf of the First

Respondent/Committee, Mr.P.Annamalai, Principal Secretary to Government, Adi Dravidar & Tribal Welfare Department, Secretariat, Chennai-600 009, had filed a memo by appearing in person before this Court praying for a direction to withdraw the impugned order dated 09.08.2016 in Proceedings No.1005/CV-2/2014-9 passed by the First Respondent and further, prayed for the matter being remitted back to the First Respondent for the purpose of conducting fresh enquiry and to pass a detailed order. The aforesaid memo is recorded by this Court. Accordingly, accepting the memo filed by the First Respondent, this Court permits the First Respondent/Committee to withdraw the impugned order dated 08.09.2016 because of the fact that the impugned order passed by the committee does not contain any material much less genuine material in support of its finding that the Vigilance Cell report was not acceptable. Viewed in that perspective, this Court after according permission of the First Respondent to withdraw the impugned order dated 08.09.2016, remits back the subject matter in issue to the First Respondent/Scrutiny Community for the purpose of conducting a fresh and detailed enquiry and to pass a reasoned speaking order, on merits, duly assigning qualitative and quantitative reasons for arriving at a

conclusion, of course on merits of the matter. It is open to the First Respondent/Committee to provide adequate opportunity to the Petitioner by adhering to the Principles of Natural Justice. Liberty is also granted to the Petitioner to raise all factual and legal pleas afresh before the First Respondent/Committee, who shall advert to each and every point raised by the Petitioner and to meet out the same at the time of passing its reasoned order, of course, in the manner known to Law. It cannot be gainsaid that the First Respondent/Committee is to pass a fresh reasoned speaking order, within a period of six weeks from the date of receipt of a copy of this order. The Petitioner is directed to lend his helping hand and also to extend unstinted co-operation so as to enable the First Respondent/Committee to submit its findings/Report in a complete and comprehensive manner.

3. With the above observations, this writ petition stands disposed of. No costs.

(M.V., J.) (P.D.A., J.)
21.07.2017

Speaking Order
Index : Yes / No
Internet : Yes / No

M.VENUGOPAL, J.
and
P.D.AUDIKESSAVALU, J.

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To

- 1.The State Level Scrutiny Committee
Rep. By its Chairman and Principal Secretary to
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- 2.The General Manager,
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