



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.01.2017

CORAM:

THE HONOURABLE **MR. JUSTICE S. VAIDYANATHAN****W.P. (MD) No. 837 of 2017****and**

W.M.P. (MD) Nos. 689 and 690 of 2017

V. Kathiresan

... Petitioner

Vs.

1. The Director,
Department of Employment and Training,
Guindy, Chennai - 600 032.
 2. The Joint Director (Craft - Training)
Department of Employment and Training,
Guindy, Chennai - 600 032.
 3. The Regional Deputy Director of Training,
Department of Employment and Training,
Moondru maavadi, K. Pudur, Madurai - 625 007.
 4. The Enquiry Officer and
Deputy Director/ Principal,
Government Industrial Training Institute,
Coimbatore - 29.
 5. The Principal, Government Industrial Training Institute,
Pudukottai - 2.
- ... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to calling for the records pertaining to the order, Na. Ka. No. ThuE/Mu/2016-2 dated 04.01.2017 passed by the 4th Respondent and quash the same and further direct the Respondents to furnish to the petitioner documents, namely, copy of complaint, dated 09.02.2012, preferred against the petitioner by Ramesh, and statements obtained from trainees and others on 09.02.2012 before conducting enquiry.

For Petitioner

: Dr. D. Gnanasekaran

For Respondents 1 to 3 & 5 : Mr. A. K. Baskara Pandian

(Special Government Pleader)

ORDER

The petitioner has come forward with this writ petition challenging the order dated 04.01.2017, by which, the petitioner's request for granting certain documents has been declined on the ground that it would affect enquiry, which is being conducted against the petitioner on the allegation of calling his subordinate by his caste name.



2. Heard the learned counsel for the petitioner and the learned Special Government Pleader for the respondents.

3. According to the respondents they have issued a memo asking the petitioner to submit her explanation and they have not issued any charge memo, calling for explanation and as of date, they have not decided to initiate any disciplinary proceedings.

4. The petitioner drew the attention of this Court to the reply given by the 5th respondent dated 07.02.2014, wherein it has been stated that in the documents containing 156 pages, the complaint given by one Ramesh does not find place and therefore, the letter given by one Sathiya Pravash found therein has been sent to the petitioner.

5. It is submitted by the respondents that in order to ascertain the veracity of the complaint, a preliminary enquiry has been conducted.

6. From the above, an inference can be drawn that in order to avoid precipitating the matter further, the respondents are trying to resolve the same amicably. However, it is stated by the respondent that if the department decides to proceed against the petitioner departmentally, a copy of the document sought for, would be furnished to the petitioner.

7. Admittedly, the respondents have not taken any disciplinary action against the petitioner, instead they are attempting to give amicable quietus to the issue. As of now, the respondents sought for only explanation from the petitioner to the allegation levelled against him. Therefore, there is no justification for the petitioner to ask for the documents and the relief sought for cannot be granted at this stage.

8. Hence, this writ petition is disposed of. However, it is made clear that in case of initiation of departmental proceedings against the petitioner in future, as agreed by the respondents, a copy of the document has to be furnished to the petitioner. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar

/TRUE COPY/

Sub Assistant Registrar

To

1. The Director,

Department of Employment and Training,
<https://hcservices.ecourts.gov.in/hcservices/>
Guindy, Chennai - 600 032.

2. The Joint Director (Craft - Training)

Department of Employment and Training,
Guindy, Chennai - 600 032.



3.The Regional Deputy Director of Training,
Department of Employment and Training,
Moondru maavadi, K.Pudur,
Madurai - 625 007.

WEB COPY

4.The Enquiry Officer and
Deputy Director/ Principal,
Government Industrial Training Institute,
Coimbatore - 29.

5.The Principal,
Government Industrial Training Institute,
Pudukottai - 2.

+1 cc to MR.D.Gnanasekaran, ADVOCATE, SR NO:3189

+1cc to M/S.THE SPECIAL GOVERNMENT PLEADER, SR NO:3378

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sva/rsk/sar1/02.03.2017/3p/8c

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and

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19.01.2017