

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.03.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.7096 of 2018

S.Leemaroselin .. Petitioner

-vs-

1. The Personal Assistant (Development)
to the District Collector
Tiruppur, Tiruppur District 641 604
2. The Block Development Officer
(Village Panchayat)
Panchayat Union
Kangayam 638 701
Tiruppur District
3. The Block Development Officer/Enquiry Officer
(Block Panchayat), Tiruppur Panchayat Union
Tiruppur 641 604 .. Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus, calling for the entire records relating to the impugned order passed by the third respondent in his proceedings Na.Ka.No.502/2018/A1 dated 21.03.2018 and quash the same and consequently directing the third respondent to permit the petitioner to engage counsel for the domestic enquiry.

For Petitioner :: Mr.C.Prakasam

For Respondents :: Mr.V.Jayaprakash Narayanan
Special Government Pleader for R1
Mr.V.Shanmugasundaram
Special Government Pleader for R2&3
ORDER

Learned counsel for the petitioner submitted that the petitioner, being a Panchayat Secretary, is unable to reply to some of the complicated questions going to be put against him by the enquiry officer, hence, she may be given the assistance of a lawyer to lead her case. In this regard, she has also given a letter dated 19.3.2018 to the enquiry officer. But the said letter has not been considered and no order has been passed. Secondly, she has also sought for the documents relied upon by the respondents in Annexure-3 enclosed with the charge memo and

the same also have not been furnished to the petitioner, as a result she is unable to give her detailed explanation defending her case. Therefore, a direction be issued, he pleaded.

2. The learned Special Government Pleader for the respondents 2 & 3 submitted that when there is no specific rule empowering the enquiry officer to permit the engagement of a lawyer or counsel to represent the petitioner's case, not conceding to the said request alone, the respondents are prepared to furnish all the documents as shown in Annexure-3 of the charge memo within a week from the date of receipt of a copy of this order to the petitioner.

3. This Court, agreeing with the contention made by the learned Special Government Pleader for the respondents 2 & 3 that the petitioner is not entitled to engage a lawyer, as there is no provision/rule to accede to the said request, directs the respondents 2 & 3 to furnish all the documents as shown in the Annexure-3 to the charge memo within a period of one week from the date of receipt of a copy of this order to the petitioner and then to proceed further. The writ petition stands disposed of accordingly. Consequently, W.M.P.No.8796 of 2018 is closed. No costs.

Sd/-
Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

ss
To

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Tiruppur 641 604.

+ 1 cc to Mr. C.Prakasam, AdvocateSr.24374
+ 1 cc to Government Pleader Sr.24317

W.P.No.7096 of 2018

CA(CO)
EU(24/04/2018)