



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.03.2018

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THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAMW.P(MD)No.15059 of 2014andM.P(MD)No.1 of 2014

P.Radha Krishnan,
Senior Supervisor (Civil),
Type V, House No.11, T.N.C.Colony,
Tamil Nadu Cements Post,
Alangulam-626 127,
Rajapalayam Via.,
Virudhunagar District.

... Petitioner

Vs

- 1.The Chairman cum Managing Director,
Tamilnadu Cements Corporation Limited,
753, Anna Salai, Chennai-2.
- 2.The Deputy General Manager,
Tamil Nadu Cements Corporation Limited,
(A Government of Tamil Nadu Undertaking)
Alangulam Works,
Tamil Nadu Cements Post-626 127,
Rajapalayam Via., Virudhunagar District.
- 3.Thiru.A.Arunachalam,
Advocate/Enquiry Officer,
No.275/4, Dr.Suresh Kumar Complex,
Main Road, Sattur,
Virudhunagar District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the second respondent in Na.Ka.No.1983/P.L.7/12, dated 04.03.2013 and quash the same and consequently directing the second respondent furnish the documents requested in the petitioner representation dated 28.02.2013.

For Petitioner	: Mrs.Chamundibose
For R1 & R2	: Mr.A.Sivaji
For R3	: Mr.P.Mahadevan

ORDER

The relief sought for in this writ petition is to call for the records in relation to the order passed by the second respondent vide proceedings, dated 04.03.2013 denying certain documents.

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2. On initiation of disciplinary proceedings, the writ petitioner was placed under suspension and three set of charge memo were issued to him. The writ petitioner has already filed two writ petitions. One challenging the proceedings of enquiry for denying the observer and another challenging the order of suspension. This Court allowed the writ petition challenging the order of suspension and issued directions in another writ petition to conclude the enquiry proceedings within a period of four months from the date of receipt of a copy of that order. However, in respect of the present writ petition, the writ petitioner has sought for certain documents for the purpose of defending his case in the enquiry proceedings.

3. It is needless to state that the documents referred in the charge memo and the documents relied upon by the presenting officer appearing on behalf of the Management must be allowed to be perused by the writ petitioner also. At the out set, the documents submitted before the enquiry officer for consideration must be allowed to be looked into by the writ petitioner. If the documents are not available or not referred, then the writ petitioner cannot seek those documents. All available documents submitted before the enquiry officer must be allowed to be perused by the writ petitioner also for the purpose of defending his case in accordance with the rules. The benefit of perusal of the documents cannot be denied. However, it is made clear that the writ petitioner should not ask for the documents, which all are not referred in the Enquiry proceedings and the documents which all are not available. Under these circumstances, the respondents are bound to allow the writ petitioner to peruse all the documents, which all are produced before the enquiry officer for the purpose of conducting enquiry.

4. With these clarification, the writ petition stands disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub-Assistant Registrar

+One cc to Mr.A.Sivaji, Advocate, SR.No.53101

+One cc to M/s.Chamundi Bose, Advocate, SR.No.53175

+One cc to Mr.P.Mahendran, Advocate, SR.No.53860

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RL/4C/2P/JC/SAR1/20/3/2018

W.P(MD)No.15059 of 2014