



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 19.09.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

and

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.A.(MD) No.1378 of 2017

and

CMP(MD)No.9830 of 2017

P.Sivakumar

... Appellant/Petitioner

vs

1. The Principal Secretary/Commissioner of
Revenue Administration (In-charge),
Revenue Department,
Disaster Management and Mitigation Department,
Ezhilagam,
Chennai - 5.

2. The District Collector,
Ramanathapuram District,
Ramanathapuram.

3. The Enquiry Officer cum
Assistant Commissioner (Excise),
Ramanathapuram.

... Respondents/Respondents

Appeal filed under Clause 15 of Letters Patent to set
aside the order dated 18.07.2017 passed in W.P(MD)No.13172 of 2017
by this Court.

Prayer in WP(MD)NO. 13172 OF 2017 :

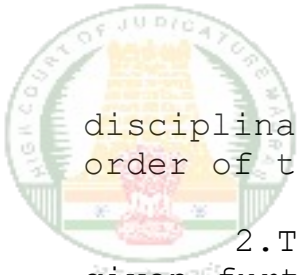
Writ Petition filed under Article 226 of the Constitution
of India for issuance a Writ of Certiorari to call for the records
pertaining to the impugned Enquiry Report dated 19.06.2017 on the
file of the Respondent No.3 and the consequential order in
Na.ka./A5/58277/2015 dated 30.06.2017 on the file of the
Respondent No.2 and quash the same as illegal.

For Appellant	:	Mr.T.Lajapathi Roy
For Respondents	:	Mr.A.K.Baskarapandian Special Government Pleader

JUDGMENT

[Judgment of the Court was delivered by **M.M.SUNDRESH, J.**]

<https://hcservices.ecourts.gov.in/hcservices/>
What is challenged is only the enquiry report, which is, at
best can be termed as piece of evidence, to be considered by the



disciplinary authority. Therefore, we do not find any error in the order of the learned Single Judge.

2. Thus, while dismissing the writ appeal, the appellant is given further period of four weeks time from the date of receipt of a copy of this judgment to give his explanation to the enquiry report. After receiving the same, the disciplinary authority shall pass orders within a period of six weeks thereafter. Needless to say that the disciplinary authority shall consider the explanation on merits without being influenced by the order of the learned Single Judge. No costs. Consequently, CMP(MD)No.9830 of 2017 is closed.

Sd/-

Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar(CS-I)

To

1. The Principal Secretary/Commissioner of
Revenue Administration (In-charge),
Revenue Department,
Disaster Management and Mitigation Department,
Ezhilagam,
Chennai - 5.
2. The District Collector,
Ramanathapuram District,
Ramanathapuram.
3. The Enquiry Officer cum
Assistant Commissioner (Excise),
Ramanathapuram.

+1cc to Spl.Government Pleader Sr.No.85887

MJ

VB/RP/SAR1/10.10.2018/2P/5C

W.A. (MD) No.1378 of 2017
19.09.2018