



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.08.2018

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CORAM:

THE HONOURABLE Mr. JUSTICE S. VAIDYANATHAN

W.P. (MD) No. 17915 of 2018

and

W.M.P. (MD) Nos. 15792 and 15793 of 2018

V. Kathiresan

... Petitioner

Vs.

1. The Commissioner,
Department of Employment and Training,
Guindy,
Chennai 600 032.

2. The Joint Director (Craftsmen Training),
Department of Employment and Training,
Guindy,
Chennai 600 032.

3. The Regional Joint Director of Training,
Department of Employment and Training,
Moondru Maavadi,
K. Pudur,
Madurai 625 007.

4. The Enquiry Officer and Deputy Director/Principal (ic),
Government Industrial Training Institute,
Madurai 625 007.

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

... Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari/Mandamus, calling for the records pertaining to the order in Na.Ka.No.5397/A Pa 2/2012-3, dated 12.07.2018 passed by the 1st respondent and quash the same and further direct the respondents to furnish the petitioner documents, namely, preliminary enquiry report, along with copies of complaint, dated 09.02.2012 and statements obtained from



witnesses during the preliminary enquiry conducted prior to issuing of the charge memo, vide 5397/ A Pa2/ 2012, dated 15.03.2018 to the petitioner by the 2nd respondent.

For Petitioner : Dr.D.Gnanasekaran

For Respondents : Mr.S.Dhayalan, G.A.

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O R D E R

The petitioner has come forward with the present Writ petition to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the proceedings in Na.Ka.No.5397/A Pa 2/2012-3, dated 12.07.2018 passed by the 1st respondent and quash the same and further direct the respondents to furnish documents, viz., preliminary enquiry report, copies of complaint dated 09.02.2012 and statements of witnesses during the preliminary enquiry conducted prior to issuing of the charge memo, vide 5397/ A Pa2/ 2012 dated 15.03.2018 to the petitioner.

2.Mr.S.Dhayalan, Government Advocate takes notice for the respondents. By consent, this Writ petition itself is taken up for hearing at the admission stage.

3.Based on certain misconduct of the petitioner, a charge memo dated 12.07.2018 under Rule 17(b) of the Tamil Nadu Civil Services (Disciplinary and Appeal) Rules has been issued.

4.When the matter is taken up for hearing, the learned Government Advocate appearing for the respondents submitted that the Writ petition itself is premature and that the petitioner shall appear before the Enquiry Officer and necessary documents would be furnished to the petitioner.

5.The learned counsel for the petitioner submitted that it would suffice if necessary documents and the statements would be furnished to the petitioner and he is ready to appear before the Enquiry Officer and make necessary representation.

6.In view of the submissions made on either side, this Court is not inclined to interfere with the impugned order. Accordingly, this Writ petition is disposed of, directing the respondents to furnish all necessary documents to the petitioner on a request made by him before the Enquiry Officer and the enquiry shall be conducted on day today basis, without adjourning the matter beyond 7 working days at any point of time so as to



bring the matter to a logical conclusion.

No costs. Consequently, connected W.M.Ps. are closed.

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Sd/-

Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar (CS-II)

To

1. The Commissioner,
Department of Employment and Training,
Guindy,
Chennai 600 032.
2. The Joint Director (Craftsmen Training),
Department of Employment and Training,
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3. The Regional Joint Director of Training,
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Government Industrial Training Institute,
Madurai 625 007.
5. The Principal,
Government Industrial Training Institute,
Pudukottai - 2.

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 78529
+ 1 CC TO Dr. D. GNANASEKARAN, ADVOCATE IN SR No. 78427

NBJ

TE/RP/SAR-2 : 06/09/2018 : 3P/8C

W.P. (MD) No. 17915 of 2018
13.08.2018