

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.01.2019

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.358 of 2019
and
W.M.P.No.362 Of 2019

S.R.Gopinath

...Petitioner

Vs

- 1.Tamil Nadu Civil Supplies Corporation,
Rep by its Managing Director,
10,Tambuswamy Road, Chennai-10.
 - 2.Tamil Nadu Civil Supplies Corporation,
Rep by its General Manager (Administration)
10, Tambuswamy Road, Chennai-10.
 - 3.The General Manager (Marketing) /Enquiry Officer,
Tamil Nadu Civil Supplies Corporation,
Chennai-10
- ...Respondents

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus calling for the records relating to the memo Na.Ka.No.AD 5/39568/2017 dated 22.11.2018 of the second respondent, quash the same in so far as it has denied the right of cross examination of witnesses on whose version the charges have been framed when such procedure is mandatory as per Regulation 4 Chapter V of Tamil Nadu Civil Supplies Corporation employees Service Regulations 1989 and consequently direct the respondents to produce the witnesses cited by the petitioner in his representation dated 02.07.2018 for his cross examination in the enquiry into the charge memo Na.Ka.No.AD 5/ 39568/2017 (12) dated 03.10.2017 of the first respondent.

For Petitioner : Mr.S.Venkataraman

For Respondents : Mr.L.P.Shanmugasundaram
Special Government Pleader

O R D E R

This writ petition has been filed to set aside the proceedings of the second respondent dated 22.11.2018 in so far as it denied the right of cross examination of witnesses on whose version the charges have been framed.

2.Mr.L.P.Shanmugasundaram, learned Special Govt.Pleader, takes notice for the respondents.

3.The impugned order is dated 22.11.2018. But it is seen that subsequently, an Enquiry Notice dated 28.12.2018 was issued by the Enquiry Officer, General Manager (Marketing), T.N.C.S.C. Head Office, Kilpauk, Chennai-10 in Rc.No.AD5/39568/2017 in which it is clearly stated that the Enquiry Officer will conduct an enquiry into the charges framed against the petitioner herein at 11.00 a.m. on 04.01.2019 in the General Manager (Marketing)'s Chamber at the Head Office, Chennai-600010. The petitioner was also directed to attend the proposed enquiry on that date without fail. It is also stated that during the enquiry he will be given full opportunity to defend himself by cross examining those witnesses deposing against him by producing documentary evidences, if any. But the petitioner has filed this writ petition on the apprehension that he would not be provided an opportunity to cross examine the witnesses. Since the date fixed for enquiry is already over, the Enquiry Officer shall fix another date for conducting enquiry and on that date, petitioner shall be permitted to cross-examine the witnesses by producing documentary evidences, if any.

4.The writ petition is disposed of accordingly. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

To

- 1.The Managing Director,
Tamil Nadu Civil Supplies Corporation,
10,Tambuswamy Road, Chennai-10.
- 2.The General Manager (Administration),
Tamil Nadu Civil Supplies Corporation,
10, Tambuswamy Road, Chennai-10.
- 3.The General Manager (Marketing) /Enquiry Officer,
Tamil Nadu Civil Supplies Corporation,
Chennai-10

+1cc to Mr.S.Venkataraman, Advocate sr.no.1770

+1cc to Mr.L.P.Shanmugasundaram, Advocate sr.no.2180

W.P.No.358 of 2019
and
W.M.P.No.362 Of 2019

nr 11/01/2019



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