

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :06.02.2019

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THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.3398 of 2019

and

W.M.P.No.3683 of 2019

R.Srinivasan

..Petitioner

vs

1.The Inspector General of Police  
Central Training College  
Central Reserve Police Force  
Kathirnaickenpalayam  
Coimbatore - 641 017

2.The Commandant  
Central Training College  
Central Reserve Police Force  
Kathirnaickenpalayam  
Coimbatore - 641 017

3.O.J.Mathew, Deputy Commandant (Enquiry officer)  
Central Training College  
Central Reserve Police Force  
Kathirnaickenpalayam  
Coimbatore - 641 017

4.SI/GD Gopalakrishnan, (Presiding officer)  
Central Training College  
Central Reserve Police Force  
Kathirnaickenpalayam  
Coimbatore - 641 017

5.Deputy Inspector General of Police  
GC, CRPF  
New Vellanur, Avadi  
Tamil Nadu 600 065

..Respondents

Prayer:Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 2<sup>nd</sup> respondent to conduct fresh enquiry in respect of the Memorandum dated 15.07.2017 in No.P.VIII-2/2017-EC-1 issued by the 2<sup>nd</sup> respondent on observing the order of the Hon'ble High Court, Madras in W.P.No.12643 of 2018 dated 17.05.2018.

For Petitioner : Mr.S.Saravanan

For Respondents : Mr.K.Srinivasamurthy

Central Government Standing counsel  
(CGSC)

O R D E R

The enquiry report submitted by the enquiry officer is under challenge in the present writ petition.

2.The impugned order dated 15.07.2017 is nothing but the opinion offered by the enquiry officer / Deputy Commandant.

3.The grievance of the writ petitioner is that the books of accounts submitted by the writ petitioner has not been considered by the enquiry officer, while concluding the enquiry.

4.This Court is of an opinion that the documents and the materials available on record and submitted before the enquiry officer were considered by the enquiry officer and a report was already submitted. If at all, certain books of accounts are submitted and the relevancy or otherwise are also to be considered by the competent authorities, it is the wisdom of the enquiry officer to find out the necessity and relevancy of the documents, which all are placed before him. If a mechanical approach is adopted for the purpose of conducting an enquiry, this Court is of an opinion that no enquiry proceedings will come to an end at all. The normal trend of the delinquent officer is to submit various documents or voluminous documents to frustrate the enquiry proceedings. Such an attitude, if any adopted can never be encouraged either by the enquiry officer or by the Courts. It is always the relevancy, necessity, the grounds and the issues involved, which all are to be considered both by the disciplinary authority as well as by the enquiry officer. Undoubtedly, the delinquent officers are entitled for an opportunity to place their records and to submit their defence statements, that does not mean that all the pleadings and all the documents and the statements are to be considered for the purpose of concluding the enquiry and submit a report. In the event of accepting all such irrelevant documents, it is to be construed that there is no clear application of mind on the part of the enquiry officer. Any prudent officer will ask pertinent questions and examine the relevant records, so as to arrive a conclusion in a logical manner and quickly.

5.The very grounds set out in the writ petition is that certain books of accounts were not considered by the enquiry officer need not be considered at this point of time, in view of the fact that the enquiry officer had already concluded the enquiry and submitted his report. If at all, the writ petitioner has to raise this ground, the same can be raised by the writ petitioner before the disciplinary authority, while submitting further objections/explanations on the enquiry report. The disciplinary authority is empowered to consider all such objections and explanations submitted by the writ petitioner and

deal with the relevancy and the necessity of scrutinizing those books of accounts submitted by the writ petitioner. The disciplinary authority before passing the final order in the departmental disciplinary proceedings shall consider all these aspects and the grounds raised by the writ petitioner. Intermittent intervention in departmental proceedings are certainly not preferable. The trend of the delinquent officials normally is to file writ petitions on several stages in order to stall the enquiry proceedings and to frustrate the same one way or other. Knowingly an opportunity is available to the writ petitioner to urge the disciplinary authority in respect of the grounds, there is no necessity to file the writ petitions. Whenever a charge memorandum is issued, the delinquent officials are bound to cooperate for the final disposal of the departmental disciplinary proceedings by availing the opportunities to be provided under the rules and by establishing their innocence or otherwise before the competent authorities. Only in the event of any gross injustice or absolute violation of the mandatory provisions, the Courts can interfere with the enquiry proceedings and certainly not otherwise.

6. In the present case on hand, the writ petitioner had participated in the enquiry proceedings. The enquiry officer also concluded the enquiry and submitted his report. Now, the disciplinary authority has to provide an opportunity to the writ petitioner to submit his objections/explanations on the enquiry report. Thus, such grounds and points may be raised by the writ petitioner before the disciplinary authority and the disciplinary authority is bound to consider all such additional grounds and additional documents if any, submitted by the writ petitioner before taking a decision and passing the final orders in the departmental disciplinary proceedings.

7. This being the opportunity, which is even now available to the writ petitioner, this Court is not inclined to entertain the writ petition, which is filed challenging the very findings of the enquiry report and therefore, the writ petition is devoid of merits and stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

-s/d-  
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

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+1 CC to Mr.Srinivasamurthy, Advocate sr 10148.

+1 CC to Mr.S.Saravanan, Advocate sr 10202.

सत्यमेव जयते

W.P.No.3398 of 2019

MG (CO)  
SP(08/03/2019)

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