

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :01.10.2019

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THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.15141 of 2019

and

W.M.P.No.15123 of 2019

Arumaiselvi

..Petitioner

vs

1.The Chairman Cum Managing Director,
Chennai Metropolitan Water Supply and Sewerage Board,
No.1 Pumping Station Road,
Chindatripet, Chennai.

2.The Superintending Engineer (WWT&R)/Enquiry Officer,
Chennai Metropolitan Water Supply and Sewerage Board,
No.1 Pumping Station Road,
Chindatripet, Chennai. .. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for the records relating to the proceedings of the 2nd respondent vide Lr.No.CMWSSB/SE (WWT&R)/Enquiry/26880-2/2019 dated 26.03.2019 and quash the same.

For Petitioner : Mr.T.Muruganantham
For Respondents : Mr.M.Jothi Kumar

O R D E R

Writ Petition is filed for issuance of Writ of Certiorari, to call for the records relating to the proceedings of the second respondent vide Lr.No.CMWSSB/SE (WWT&R)/Enquiry/26880-2/2019 dated 26.03.2019 and quash the same.

2. Heard the learned counsel for the petitioner and the learned counsel appearing for the respondents. By consent of both sides, the writ petition is taken up for final disposal at the admission stage itself.

3. The case of the petitioner is that the petitioner is working as Junior Engineer in Thiruvanmiyur Depot. While he was in service, he had taken effective steps in removing unauthorised water connections in the area irrespective of the status of the person. The affected person, namely one Shankar

gave a false complaint with the Inspector of Police, Vigilance and Anti-Corruption, Chennai and the said Inspector of Police, without conducting any enquiry, in turn registered a case in Crime No.05/AC/2015/CC-1 on 02.07.2015 for the offence under Section 7 of the Prevention of Corruption Act. Immediately after the petitioner was placed on suspension, a charge memo was issued by the 2nd respondent on 15.12.2017, wherein four charges were framed against the petitioner asking him to submit his written statement within 30 days. On receipt of the charge memo, the petitioner made a representation to the 2nd respondent denying all the charges and subsequently, the Inspector of Police, Vigilance and Anti Corruption conducted an investigation and filed a charge sheet on the file of the Special Court for Vigilance and Anti Corruption Cases, Chennai and assigned C.C No.11 of 2017. In the meanwhile, the respondent issued a show cause notice calling upon the petitioner to be present in the oral enquiry and thereafter, the petitioner made a representation to the 2nd respondent on 16.04.2019 to permit the petitioner to engage advocate assistance. Without considering the said request, the impugned order has been passed. Hence, the petitioner has approached this Court challenging the impugned order passed by the 2nd respondent.

4. The learned counsel for the petitioner would submit that though the petitioner is challenging the show cause notice calling him for oral enquiry, this Court need not be interfered in it. Now, this Court may issue a direction to consider the representation with regard to the engagement of the lawyer in the Domestic Enquiry.

5. Considering the facts and circumstances of the case, the petitioner does not want to proceed the impugned order dated 26.03.2019 and he wants a direction from this Court to the respondent to consider his representation dated 16.04.2019. As per the limited request made by the petitioner, I am not inclined to interfere with the show cause notice. However, I am inclined to issue a direction to consider the petitioner's representation dated 16.04.2019 within a period of four weeks from the date of receipt of a copy of this order and thereafter, proceed with the enquiry.

6. With the above directions, this Writ Petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

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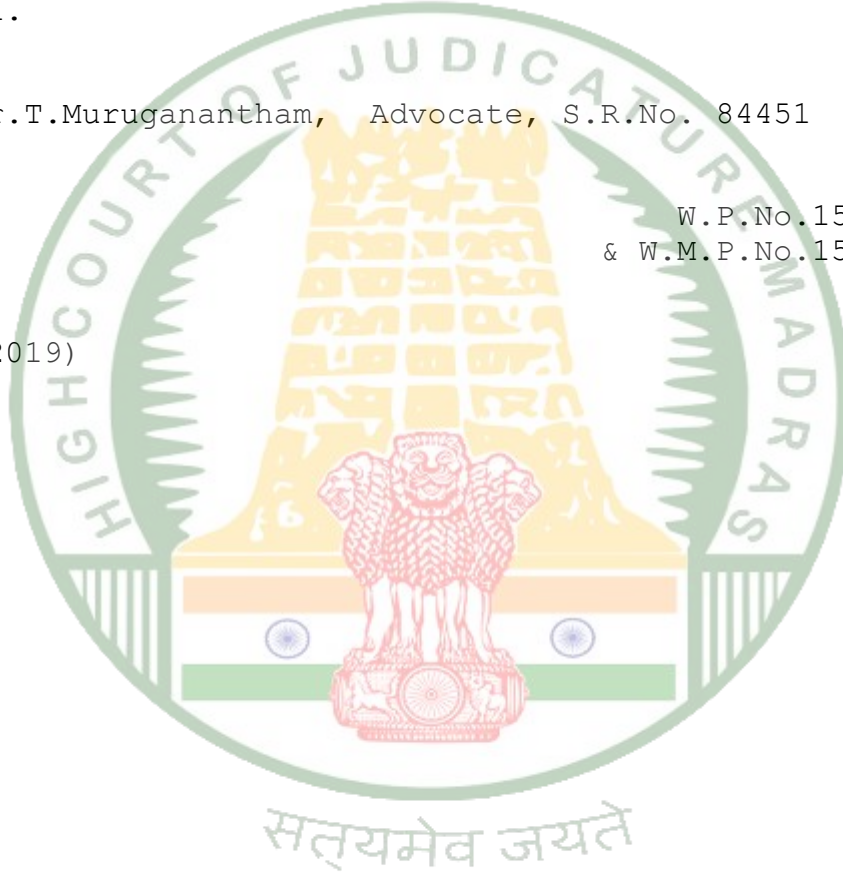
To

- 1.The Chairman Cum Managing Director,
Chennai Metropolitan Water Supply and Sewerage Board,
No.1 Pumping Station Road,
Chindatripet,
Chennai.
- 2.The Superintending Engineer (WWT&R)/Enquiry Officer,
Chennai Metropolitan Water Supply and Sewerage Board,
No.1 Pumping Station Road,
Chindatripet,
Chennai.

+1cc to Mr.T.Muruganantham, Advocate, S.R.No. 84451

W.P.No.15141 of 2019
& W.M.P.No.15123 of 2019

NMI (CO)
GN(08/11/2019)



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