

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :04.11.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.Nos. 21189 & 26179 of 2019

&

W.M.P.Nos.25540, 20392, 20394 & 25542 of 2019

C.Theerthagiri ..Petitioner in W.P.No.21189 of 2019

R.Selvarasu ...Petitioner in W.P.No.26179 of 2019

vs

1. The Commissioner,
Khadi Village Industries Commission, KVIC,
No.126, Avai Shanmugam Salai,
Gopalapuram,
Chennai - 600 086.

2. The Secretary,
Thirupathur Sarvodaya Sangam,
No.87, Gandhi Road,
Thirupathur,
Vellore District.

... Respondents

Prayer in W.P.No.21189 of 2019: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for the records of the Impugned Order TPT/S/S/Memo/5/16/2018-2019 dated 13.03.2019 passed by the 2nd respondent and quash the same.

Prayer in W.P.No.26179 of 2019: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for the records of the Impugned Order TPT/S/S/Memo/4/16/2018-2019 dated 13.03.2019 passed by the 2nd respondent and quash the same.

For Petitioner : M/s.P.Wesley Isac
(in both Wps)

For Respondent 1 : M/s.Padma
(in both Wps)

For Respondent 2 : Mr.I.Abrar Md Abdullah
(in both Wps)

C O M M O N O R D E R

Since the prayer in the above Writ Petitions are one and the same, they are clubbed together and a common order is passed.

2. It is the case of the petitioners that they are working as Manager at Dharmapuri and Chief Inspector at Thirupathur in the 2nd respondent Sangam respectively. While being so, the petitioners were placed under suspension by the 2nd respondent Sangam vide Suspension Order dated 13.03.2019 without any valid reason. As against the said Suspension Order, the petitioners are before this Court by way of the Writ Petitions.

3. The learned counsel appearing for the petitioners would submit that on 08.08.2019 a charge memo was issued to the petitioners and pursuant to the said charge memo an Enquiry Officer was appointed to conduct enquiry. He would further submit that in W.P.No.26179 of 2019, this Court has granted order of interim stay on 24.09.2019. Pursuant to the said order passed by this Court, the petitioners were reinstated in service and working as Manager and Chief Inspector respectively in the 2nd respondent Sangam. The learned counsel would further submit that the petitioners have apprehension with regard to the appointment of the Enquiry Officer. Therefore, he would submit that it would be suffice to appoint some other person as Enquiry Officer and thereafter pass appropriate orders in accordance with law.

4. Mr.I.Abrar Md Abdullah, learned counsel appearing for the 2nd respondent Sangam would submit that pursuant to the order of interim stay, the petitioners were reinstated in service. However, with regard to Disciplinary proceedings, enquiry should be conducted. Therefore, he suggested this Court to appoint Mr.K.Sethuram, Advocate, No.204, II floor, Iswarya Complex, Gopalapuram, Coimbatore - 641 018, Mob: 9842961223 as Enquiry Officer to conduct enquiry.

5. Considering the facts and circumstances of the case, this Court appoint Mr.K.Sethuraman, Advocate, No.204, II floor, Iswarya Complex, Gopalapuram, Coimbatore - 641 018, Mob: 9842961223 as Enquiry Officer as suggested by the learned counsel for the 2nd respondent and the learned counsel for the petitioners has no objection for the same. The Enquiry Officer entitles to fix his remuneration after consulting with 2nd respondent. The Enquiry Officer is directed to conduct enquiry within a period of twelve weeks from the date of receipt of a copy of this order and file a report before the 2nd respondent Sangam. Thereafter, the 2nd respondent Sangam is directed to pass appropriate orders in accordance with law. The petitioners

shall co-operate with the respondent Sangam to enable them to pass appropriate orders.

6. The Writ Petitions are disposed on the aforesaid terms. Consequently, connected Miscellaneous Petitions are also closed. No costs.

s/d-
Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

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To

1.The Commissioner,
Khadi Village Industries Commission, KVIC,
No.126, Avai Shanmugam Salai,
Gopalapuram,
Chennai - 600 086.

2.The Secretary,
Thirupathur Sarvodaya Sangam,
No.87, Gandhi Road,
Thirupathur,
Vellore District.

3. Mr.K.Sethuraman
Advocate, No. 204, II Floor
Iswarya Complex
Gunalapuram, Coimbatore 641 018.
(Mobile No. 9842961223)

+1 CC to Mr.I.Abrar Md. Abdullah, Advocate sr 91929
+1 CC to Mr.P. Wesley Isac, Advocate sr 91597.

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GMR(CO)
SP(25/11/2019)