

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.11.2019

CORAM:

THE HON'BLE MR. JUSTICE M.M.SUNDRESH  
and  
THE HON'BLE MR. JUSTICE RMT. TEEKAA RAMAN

W.P.Nos.29465 and 32481 of 2019

N.Manoharan ... Petitioner in both W.Ps.

vs.

1. The Chairman,  
Tamil Nadu State Level Scrutiny Committee-II  
and Additional Secretary to Government,  
Adi Dravidar and Tribal Welfare Department,  
Namakkal Kavignar Maligai,  
Secretariat, Chennai 600 009.
2. The Secretary,  
Chennai Port Trust,  
(Disciplinary Authority),  
Traffic Department, Chennai. ... Respondents in both W.Ps.

Writ Petition No.29465 of 2019 filed under Article 226 of the Constitution of India seeking to issue a writ of Certiorari, calling for the records of the 1st Respondent in his Proceedings No.5300/CV-4(1)/2013-8, dated 23.09.2019, and quash the same.

Writ Petition No.32481 of 2019 filed under Article 226 of the Constitution of India seeking to a issue writ of Certiorari, calling for the records of the 2nd Respondent in his Proceedings No.A1/545/2019/T, dated 05.10.2019 and quash the same.

For Petitioner in both W.Ps. : Mr.V.Vijayashankar  
For 1st Respondent in both W.Ps.: Mr.Akhil Akbar Ali,  
Government Advocate

For 2nd Respondent in both W.Ps.: Mr.R.Karthikeyan

C O M M O N      O R D E R  
(Order of the Court made by M.M.SUNDRESH,J.)

Both the Writ Petitions are inter alia connected. Inasmuch as, both the Writ Petitions are interconnected, they are taken up for disposal by a common order.

2. Writ Petition No.29465 of 2019 has been filed challenging the decision of the State Level Scrutiny Committee. Writ Petition No.32481 of 2019 has been filed challenging the consequential order passed by the employer of the Petitioner, in view of the impugned order dated 23.09.2019 passed by the 1st Respondent herein, which is under challenge in W.P.No.29465 of 2019.

3. Learned counsel for the Petitioner has made two submissions. The first submission is that, the Report of the Deputy Superintendent of Police, Social Justice and Human Rights Wing, Tiruvallur District, which is in favour of the Petitioner, has not been taken into consideration, and a copy of the same has not been furnished to the Petitioner. The second submission is that, though the Enquiry Report of the Anthropologist attached to the District Vigilance Cell, is against the Petitioner, the same has not been furnished to him.

4. Though counter affidavit has been filed by the 1st Respondent, the aforesaid two facts are not specifically denied or disputed. After all, the impugned order does have civil consequences. The Petitioner, is, in law, entitled to copies of the aforesaid two Reports.

5. In such view of the matter, we are inclined to interfere with the impugned order dated 23.09.2019 passed by the 1st Respondent, which is under challenge in W.P.No.29465 of 2019, and accordingly, the same is set aside, with a direction to the 1st Respondent/Chairman, Tamil Nadu State Level Scrutiny Committee-II and Additional Secretary to Government, Adi Dravidar and Tribal Welfare Department, Chennai, to furnish a copy of the Report of the Deputy Superintendent of Police, Social Justice and Human Rights Wing, Tiruvallur District and that of the Anthropologist attached to the District Vigilance Cell, to the Petitioner. After affording an opportunity of hearing to the Petitioner, final orders will have to be passed within a period of eight weeks from the date of receipt of a copy of this order.

6. Needless it is to state that, the 1st Respondent will have to give appropriate reasons for either accepting or not accepting the Report of the Deputy Superintendent of Police, Social Justice and Human Rights Wing, Tiruvallur District.

7. In fine, W.P.No.29465 of 2019 is allowed with the above directions. Consequently, the impugned order dated 05.10.2019 passed by the 2nd Respondent herein, which is under challenge in W.P.No.32481 of 2019 is also set aside, and the said Writ Petition is allowed. No costs. Consequently, connected

W.M.P.No.29309 of 2019 in W.P.No.29465 of 2019 and  
W.M.P.Nos.32809 and 32812 of 2019 in W.P.No.32481 of 2019 are  
closed.

s/d-  
Assistant Registrar (CS-III)

True Copy

Sub-Assistant Registrar

(aeb)

To:

1. The Chairman,  
Tamil Nadu State Level Scrutiny Committee-II  
and Additional Secretary to Government,  
Adi Dravidar and Tribal Welfare Department,  
Namakkal Kavignar Maligai,  
Secretariat, Chennai 600 009.
2. The Secretary,  
Chennai Port Trust,  
(Disciplinary Authority),  
Traffic Department, Chennai.

+2 CC to Mr.V.Vijayashankar, Advocate sr 98385, 98384  
+1 CC to Mr.R.Karthikeyan, Advocate sr 98141  
+1 CC to Govt. Pleader sr 98450.

W.P.Nos.29465 and 32481 of 2019

RP (CO)  
SP (19/12/2019)