

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 07-03-2019

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

W.P.No.30388 of 2018
And
W.M.P.No.35463 of 2018

S.Asokan

..Petitioner

- Vs. -

- 1.State Represented by
Principal Secretary/Commissioner of
Revenue Administration,
Disaster Management and Mitigation Department,
Secretariat, Chennai-600 009.
- 2.Principal Secretary to Government,
Public Department,
Secretariat, Chennai-600 009.
- 3.The District Collector,
Karur District.
- 4.The District Collector,
Tiruppur District.

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned show cause notice in Ser.2(2) 25326 dated 4.5.2018 issued by the first respondent against the petitioner and quash the same and consequently direct the second respondent to include petitioner's name in the panel for the promotion of District Revenue Officer (DRO).

For Petitioner : Mr.Shanmugasundaram,
Senior Counsel for
Mr.A.Gopinath.

For Respondents : Mr.A.N.Thambidurai,
Special Government Pleader.

O R D E R

The show cause notice issued under Rule 17(a) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules dated 4.5.2018 is under challenge in the present writ petition.

2. The learned Senior Counsel, appearing on behalf of the writ petitioner, contended that the incident took place during the year 2016 and after a lapse of two years, the impugned show cause notice has been issued under Rule 17(a) for imposing minor penalty under the Tamil Nadu Civil Services (Discipline and Appeal) Rules.

3. The allegations set out in the show cause notice are baseless and in the absence of any documents in connection with the allegations set out in the impugned show cause notice, the writ petitioner would not be in a position to submit his defence statement and contest the case. The said submission of the writ petitioner is certainly reasonable in view of the fact that in respect of the allegations, the documents are to be relied upon for the purpose of submitting his explanations/objections.

4. The learned Special Government Pleader, appearing on behalf of the respondents, states that copies of the documents had already been furnished to the writ petitioner based on the representation submitted by him. However, it is made clear that the documents are yet to be furnished.

5. Thus, the respondents are directed to furnish the documents, which all are relied upon by the Disciplinary Authority for the purpose of issuing the impugned show cause notice under the Tamil Nadu Civil Services (Discipline and Appeal) Rules. On receipt of the documents by the writ petitioner, the writ petitioner is directed to submit his explanations/objections on the allegations, within the period of four weeks from the date of receipt of such copies of documents from the respondents. Thereafter, the respondents are at liberty to consider the materials available on records as well as the explanations/ objections to be submitted by the writ petitioner and pass orders on merits and in accordance with law, without causing any undue delay.

6. With the above directions, the writ petition stands disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

Svn

To

1.Principal Secretary/Commissioner of
Revenue Administration,
Disaster Management and Mitigation Department,
Secretariat,
Chennai-600 009.

2.Principal Secretary to Government,
Public Department,
Secretariat,
Chennai-600 009.

3.The District Collector,
Karur District.

4.The District Collector,
Tiruppur District.

+1cc to Mr.A.Gopinath, Advocate, S.R.No.21547
+1cc to the Government Pleader, S.R.No.22611

WP.30388 of 2018

AR J

RRS (05/04/2019)



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