

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.04.2019

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.31649 of 2018

MA.Ranjith

... Petitioner

Vs

The Additional Deputy Superintendent of Police
Prohibition Enforcement Wing
Coimbatore District Police Office,
Coimbatore-641 018.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking for an issuance of Writ of Mandamus, to direct the Respondent to consider the petitioner representation dated 03.07.2018 and to direct the Respondent to produce the aforesaid documents.

For Petitioner : Mr.M.Madhu Prakash

For Respondent : Mr.A.N.Thambidurai
Special Government Pleader

ORDER

सत्यमेव जयते

The relief sought for in the present writ petition is to direct the respondent to consider the representation submitted by the writ petitioner on 03.07.2018 and to direct the respondent to produce the documents stated in the representation.

2.The learned Special Government Pleader states that during the process of enquiry in the departmental disciplinary proceedings, the writ petitioner has requested the authorities to furnish copies of certain documents and that the documents sought for by the writ petitioner have been furnished to him. The learned Special Government Pleader appearing on behalf of the respondent filed counter affidavit and referred to paragraphs 8 and 9 which read as

8.I submit that the petitioner has given a list of eleven documents in paragraph No.7 to face the charges. But in fact the petitioner has given a long list of 104 documents to be produced before the enquiry officer and thereby the petitioner has misrepresented the truth before this Hon'ble Court. However, I submit that I am prepared to produce the documents in Sl.Nos.1, 5, 29 to 32, 38, 45, 46, 50, 51, 54, 55, 57, 59, 60, 61, 62 (18 documents) to the petitioner, if directed by this Hon'ble High Court. I further submit that the documents in Sl.Nos.2, 3, 4, 6 to 28, 33 to 37, 39 to 44, 47 to 49, 52, 53, 56, 58, 63 to 65, 67, 69, 71, 82 to 98, 101 to 104 (71 documents) are not at all relevant to the charges framed against the petitioner. But opportunity will be given to the petitioner to peruse those documents if circumstances arise during the enquiry if ordered by this Hon'ble High Court. The documents pertaining to electronic media mentioned in Sl.Nos.66, 68, 70, 72 to 81, 99, 100 (15 documents) have been automatically deleted after the expiry of one year from the date of their recording, and hence I am unable to produce the said documents pertaining to electronic media for the petitioner.

9.I submit that I assure that sufficient opportunity will be given to the petitioner to defend the petitioner from the charges during the enquiry. I further submit that the petitioner was permitted to peruse all the documents available at my office in the enquiry file, while the copies of 48 records were prepared by my staff at my office and furnished to the petitioner.

3.Under these circumstances, this Court is of the considered opinion that the documents listed out in the memorandum of charges as well as the documents relied on by the department for the purpose of establishing the allegations against the writ petitioner are to be furnished to the writ petitioner at the time of conducting enquiry. Undoubtedly, the writ petitioner is not entitled to the documents relied upon by him. If certain documents are required for better defence, the writ petitioner can be allowed to peruse the said documents during the course of enquiry in order to complete the departmental proceedings, by following the principles of natural justice.

4.With these directions, the writ petition stands disposed of. No costs.

ssb/gbi

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

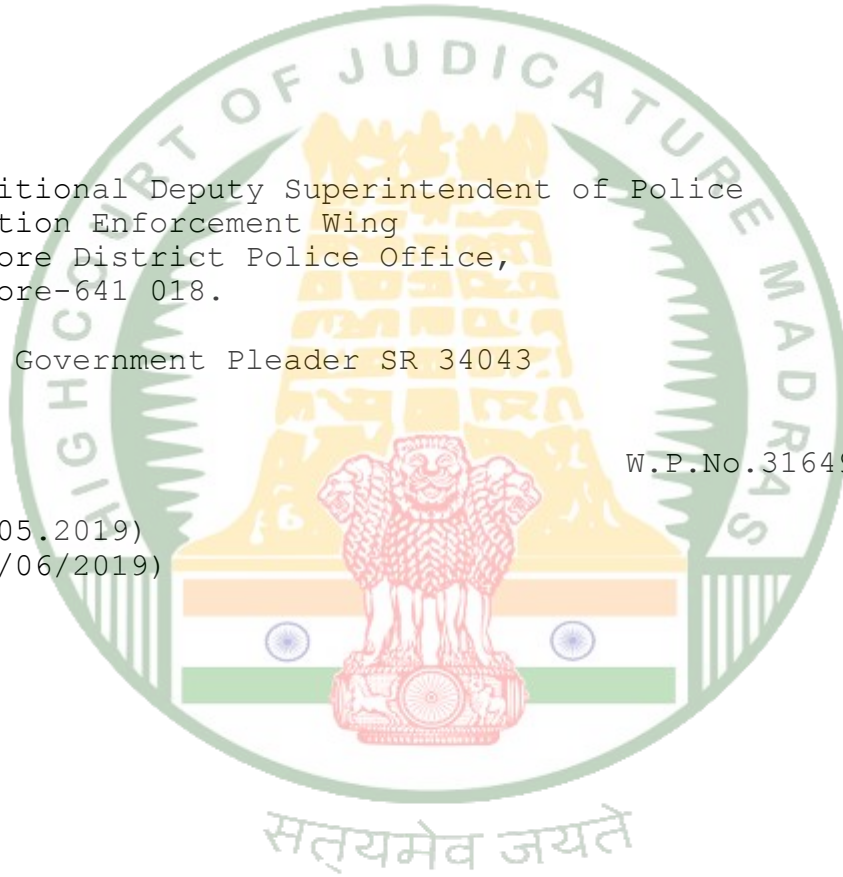
To

The Additional Deputy Superintendent of Police
Prohibition Enforcement Wing
Coimbatore District Police Office,
Coimbatore-641 018.

+1cc to Government Pleader SR 34043

W.P.No.31649 of 2018

gsk(20.05.2019)
A.SK(21/06/2019)



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