



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P (MD) No.15047 of 2019

and

WMP (MD) No.11571 of 2019

G.Manuneethi

.. Petitioner

Vs.

1.The Secretary to Government,
Highways & Minor Ports,
(HL 2 Department)
Chennai - 600 009.

2.The Chief Engineer,
National Highways,
Gunidy, Chennai.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the 1st respondent herein to forthwith furnish copies of the documents referred to Annexure-III of the two departmental proceedings, arbitral award referred in the charge memo and the documents referred therein.

For Petitioner : Mr.Veera Kathiravan
Senior Counsel
for M/s.Veera Associates

For Respondents: Mr.Aayiram K.Selvakumar
Additional Government Pleader

ORDER

This writ petition has been filed seeking direction to the first respondent to forthwith furnish copies of the documents referred to Annexure-III of the two departmental proceedings, arbitral award referred in the charge memo and the documents referred therein.

2.The learned Senior Counsel appearing for the petitioner submitted that the petitioner made a representation dated 10.06.2019 to the first respondent to furnish copies of the documents as shown in the charge memo. The first respondent, <https://hcsr.judges.gov.in/csr/icsr> did not furnish the documents as sought by the petitioner nor passed orders on the petitioner's representation. Hence, the petitioner is before this Court with the abovesaid prayer.



3.The second respondent appeared before the Court and placed a letter dated 13.07.2019 in Letter No.8823/HL2/2019-1, wherein the first respondent informed to the Special Government Pleader that the request of the petitioner is under consideration of the Government as per the procedures laid down in Tamil Nadu Civil Service (Discipline and Appeal) Rules. Further, the learned Special Government Pleader, on instructions, submitted that there is no legal impediment to furnish copy of the documents as sought by the petitioner in his representation. But, the petitioner's request will be considered only as per the relevant Rules.

4.In view of the submission made by the learned Special Government Pleader, this Court is inclined to issue the following direction:

"The first respondent is directed to consider the representation of the petitioner dated 10.06.2019 and pass orders on merits and in accordance with law, as expeditiously as possible, preferably, within a period of three weeks from the date of receipt of a copy of this order. Till passing orders in the petitioner's representation, the respondents shall not proceed with the enquiry further. However, it is made clear that after furnishing copies of the documents to the petitioner within the aforesaid period, it is open to the respondents to proceed with the enquiry in accordance with law."

5.The writ petition is disposed of with the above direction. No costs. Consequently, WMP(MD)No.11571 of 2019 is closed.

Sd/-

Assistant Registrar(CO)

// True Copy //

Sub Assistant Registrar(CS)

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To

1.The Secretary to Government,
Highways & Minor Ports, (HL 2 Department)
Chennai - 600 009.

2.The Chief Engineer,National Highways, Gunidy, Chennai.

+1CC TO MR.VEERA ASSO., Advocate Sr. No.75824

+1CC TO THE SPECIAL GOVERNMENT PLEADER SR.No. 75709

W.P(MD)No.15047 of 2019

16.07.2019