

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILU

WRIT PETITION No.9816 of 2019

ORDER:

This writ petition is disposed of at the stage of admission with the consent of both the parties.

This writ petition is filed seeking the following relief :-

“.....to issue order or direction more particularly one in the Writ of Mandamus to declare the charge memo No C/ 3245/ 2015 dated 6.3.2019 on the file of the 2nd respondent is contrary to Rule 20 (3) (ii) (a) and (b) and Sub-Rule (4) of Rule 20 of Classifications, Control and Appeal Rules 1991, illegal, arbitrary, violation of principles of natural justice and violative of Article 14 of Constitution of India”.

Heard Mr.M.Venkat Ram Reddy, learned counsel for petitioner and the learned Assistant Government Pleader for Labour.

It has been contended by the petitioner that the impugned charge memo was served on him on 22.03.2019 asking him to submit written statement within 15 days. The 2nd respondent, basing on the enquiry report dated 05.02.2019, issued impugned charge memo. However, the copy of enquiry report dated 05.02.2019 is not furnished on the petitioner. The petitioner is not in a position to submit his written statement without enquiry report dated 05.02.2019. Therefore, the petitioner filed representations dated 25.03.2019 and 16.04.2019 requesting the 2nd respondent to furnish copy of enquiry report dated 05.02.2019. But, so far, the 2nd respondent has not disposed of the said representations nor furnished copy of enquiry report dated 05.02.2019.

Learned counsel appearing for the petitioner has contended that non-furnishing enquiry report dated 05.02.2019, which was referred in the charge memo, is violative of Rule 20 of Classifications, Control and Appeal Rules, 1991. Therefore, appropriate orders be passed in the writ petition directing the 2nd respondent to furnish copy of enquiry report dated 05.02.2019.

Learned Government Pleader appearing for respondents has contended that the 2nd respondent would furnish copy of enquiry report dated 05.02.2019 to the petitioner by considering the representations submitted by him.

This Court, having considered the rival submissions, is of the considered view that this writ petition can be disposed of directing the 2nd respondent to furnish copy of enquiry report dated 05.02.2019 to the petitioner by considering the representations submitted by him on 25.03.2019 and 16.04.2019 and pass appropriate orders in accordance with the Rules, within a period of two weeks from the date of receipt of a copy of this order.

With the above observations, the writ petition is disposed of. No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

ABHINAND KUMAR SHAVIL, J

Date: 01-05-2019
Prv

