

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 07.02.2020
CORAM
THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH
W.P No.2949 of 2020
and W.M.P Nos.3431 & 3432 of 2020

B.Santoshkumar

Petitioner

vs.

1. The Joint Commissioner of Police,
West Zone, Greater Chennai Police,
Ambattur Estate,
Chennai - 600 058.

2. The Deputy Commissioner of Police,
Ambattur District Avadi,
Chennai - 600 054.

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, calling for the records on the file of the first respondent in PR No.20/WZ/2019 dated 20.01.2020 served on 21.01.2020 along with the enquiry officer's report dated 10.01.2020 issued by the 2nd respondent and quash the same.

For Petitioner : Mr.S.Selvathirumurugan

For Respondents: Mr.P.S.Sivashanmuga Sundaram
Special Government Pleader

O R D E R

By consent of both sides, this writ petition is taken up for final disposal.

2.This writ petition has been filed challenging the enquiry report that has been filed by the enquiry officer who has been appointed to conduct the department enquiry in a disciplinary proceedings initiated against the petitioner.

3.The petitioner has alleged that enquiry was not done properly in accordance with the procedure and it is a one sided enquiry resulting in the enquiry officer giving adverse findings against the petitioner.

4.Heard Mr.S.Selvathirumurugan, learned counsel appearing on behalf of the petitioner and Mr.P.S.Sivashanmuga Sundaram, learned Special Government Pleader appearing on behalf of the respondents.

5.This Court is not inclined to interfere with the enquiry report at this stage. If the petitioner has any grievance in the manner in which the enquiry was conducted and the findings of the enquiry officer, it is always open to him to give his explanation to the disciplinary authority and it will always be open to the disciplinary authority to consider the explanation given by the petitioner and take a decision accordingly. This Court in exercise of its jurisdiction under Article 226 of the Constitution of India, cannot interfere with the disciplinary proceedings at an intermediate stage and more particularly, where there is a disciplinary authority who can consider the explanation given by the petitioner for the enquiry report. By interfering at this stage, this Court will be unwittingly stepping into the shoes of the disciplinary authority.

6.The learned counsel for the petitioner submitted that the time given to the petitioner for giving his explanation to the report of the enquiry officer expired and therefore, he seeks time to submit his explanation. Considering the facts and circumstances of the case, the petitioner is granted two weeks time from the date of receipt of copy of this order to submit his explanation and there shall be a direction to conclude the disciplinary proceedings within a period of eight weeks thereafter.

7.In view of the above, the present writ petition is dismissed. Consequently, connected miscellaneous petitions are closed. No Costs.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

ssr

To

1. The Joint Commissioner of Police,
West Zone, Greater Chennai Police,
Ambattur Estate,
Chennai - 600 058.

2. The Deputy Commissioner of Police,
Ambattur District Avadi,
Chennai - 600 054.

3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.S.Selvathirumurugan , Advocate SR.No. 10595

+1 cc to Government Pleader Sr.No. 10892

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and W.M.P Nos.3431 & 3432 of 2020

A.SK(19/02/2020)

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