

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.02.2020

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P No.3219 of 2020

A.Parameswaran

Petitioner

vs.

1. Director,
Department of Horticulture and Plantation Crops,
Ezhilagam,
Chepauk, Chennai - 600 005.
2. The Deputy Director of Horticulture,
Krishnagiri.
3. The Enquiry Officer/Assistant Director of Horticulture,
Thalaivasal,
Salem District.

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 1st and 3rd respondent to consider the representation of the petitioner dated 22.11.2019 to reopen the domestic enquiry in respect of the Charge Memo dated 18.06.2018 and to conduct the enquiry after providing sufficient opportunity to the petitioner to defend the charges on its merits and in accordance with law within the time frame stipulated by this Court.

For Petitioner : Mr.Balan Haridas

For Respondents: Mr.K.Parameswaran

Government Advocate

O R D E R

This writ petition has been filed for issuance of a writ of mandamus directing the respondents to consider the representation made by the petitioner and to reopen the domestic enquiry in respect of the charge memo dated 18.06.2018 and to give the petitioner an opportunity to defend himself on the charges that have been framed against him.

2.The case of the petitioner is that, he was working as an Assistant in the office of the 2nd respondent. A complaint came

to be given against him on the ground that he made certain comments which amounts to sexual abuse. A charge memo was issued to the petitioner and the petitioner gave his reply to the charge memo. An enquiry officer was appointed and the statement of the petitioner was recorded. Thereafter, the enquiry officer has proceeded to collect the written statements of the complainants and the grievance of the petitioner is that a copy of the statements were not furnished to the petitioner. The further grievance of the petitioner is that the documents relied upon during enquiry were also not furnished to the petitioner. In view of the same, the petitioner is not able to cross-examine the complainants and defend himself effectively. Therefore, the petitioner had made a representation to the 1st and 3rd respondent to reopen the enquiry and to give the petitioner sufficient opportunity to defend himself in the enquiry. Since the same was not considered, the present writ petition has been filed before this Court seeking for appropriate directions.

3. Heard Mr. Balan Haridas, learned counsel appearing on behalf of the petitioner and Mr. K. Parameswaran, learned Government Advocate appearing on behalf of the respondents.

4. Taking into consideration the facts and circumstances of the case and the allegations that have been made in the affidavit, there shall be a direction to the 3rd respondent to furnish a copy of the statements that have been recorded from the complainants to the petitioner. The 3rd respondent is further directed to furnish a copy of the documents that have been relied upon during the enquiry. Thereafter, the petitioner shall be given an opportunity to cross-examine the complainants based on the statements given by them and the documents furnished to the petitioner. The petitioner shall cross-examine the complainants within a period of two weeks from the date on which he is furnished with the copies of the statements made by the complainants and also the documents. Thereafter, the enquiry officer shall submit his report within a period of four weeks. The disciplinary proceedings shall be concluded within a period of twelve weeks from the date of receipt of copy of this order.

N. ANAND VENKATESH, J.

ssr

5. This writ petition is disposed of with the above directions. No Costs.

s/d-

Assistant Registrar (CS VIII)

True Copy

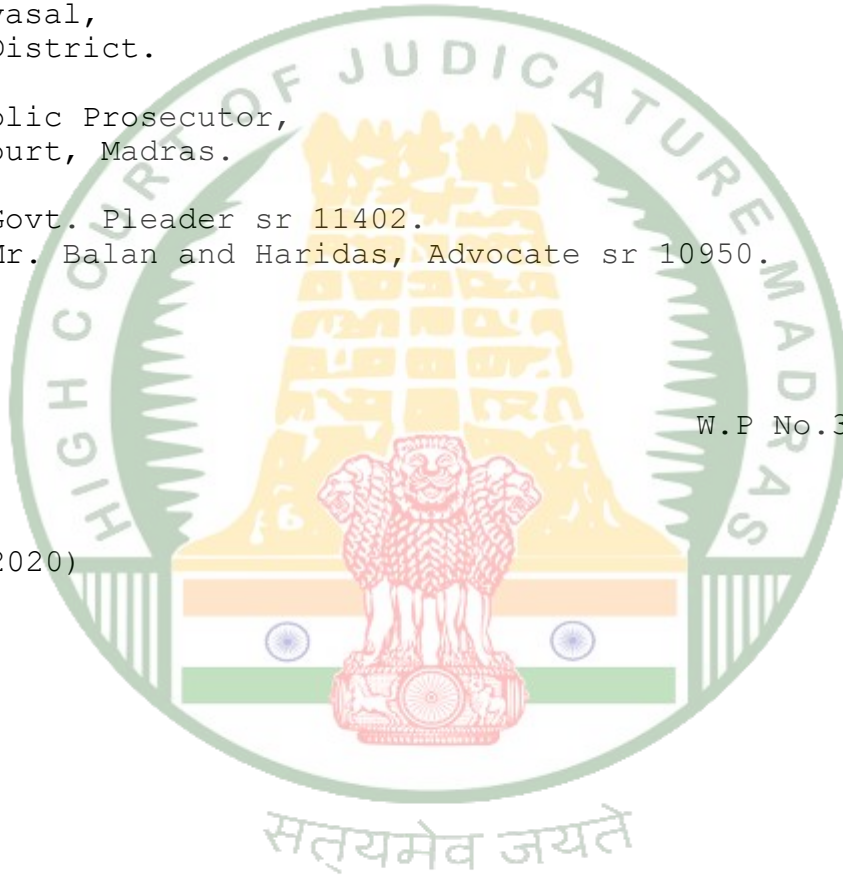
Sub-Assistant Registrar

To

1. The Director,
Department of Horticulture and Plantation Crops,
Ezhilagam,
Chepauk, Chennai - 600 005.
 2. The Deputy Director of Horticulture,
Krishnagiri.
 3. The Enquiry Officer/Assistant Director of Horticulture,
Thalaivasal,
Salem District.
 4. The Public Prosecutor,
High Court, Madras.
- +1 CC to Govt. Pleader sr 11402.
+1 CC to Mr. Balan and Haridas, Advocate sr 10950.

W.P No.3219 of 2020

NRJK (CO)
SP (14/02/2020)



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