

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.07.2020

CORAM :

The Hon'ble Mr.A.P.SAHI, THE CHIEF JUSTICE

AND

The Hon'ble Mr.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.A.No.341 of 2020
and C.M.P.No.5689 of 2020

R.Malarkodi

.. Appellant

-vs-

1.The Secretary T.N. Construction
Workers Welfare Board,
Nungambakkam, Chennai - 34.

2.The Commissioner of Labour,
O/o. the Commissioner of Labour,
Chennai-6.

3.A.Divyanathan
Joint Commissioner of Labour,
Salem.

.. Respondents

Appeal filed under Clause 15 of the Letters Patent against the order dated 06.02.2020 passed in W.P.No.2680 of 2020 on the file of this Court.

सत्यमेव जयते

Prayer in W.P.No.2680 of 2020:

Writ Petition filed under Article 226 of the Constitution of India Praying for issuance of a Writ of Ceritorari Calling for the records of the 1st respondent charge memorandum No. A2/16139/ 2018 dated 17.10.2018 of the Secretary Tamil Nadu Construction Workers Welfare Board Chennai-34 and quash the same.

For Appellant

: Mr.M.Liagat Ali

For Respondents

: Mr.V.Jayaprakash Narayanan
State Govt. Pleader
for R-1

JUDGMENT

(Delivered by The Hon'ble Chief Justice)

Heard Mr.Liagat Ali, learned counsel for the appellant.

2.The contention of the appellant is that the charge memo was issued by an incompetent person and therefore, the same deserved to be quashed as has been done in the case of one A.Rajaram vs. State of Tamil Nadu and Anr., decided on 16.10.2019 (W.P.Nos.37080 to 37082 of 2004).

3.The learned Single Judge, in the present case, instead of addressing to the said issue, has proceeded to record that since the appellant was essentially facing an allegation of involving in corrupt practice, the enquiry deserved to be concluded, which was delayed after 2018 and almost four enquiry officers had been appointed during this period.

4.The direction issued by the learned Single Judge, in our opinion, is justified, but, the learned counsel complains that this attitude of the respondents in not proceeding with the enquiry is clearly in defiance of the direction dated 06.02.2020.

5.There is quite a possibility in this Covid situation of such a problem having arisen, but, nonetheless the order of the Court deserves to be complied with. In the event the direction is not being complied with, it is open to the appellant to move an application for contempt or even represent before the concerned authority to rectify any error, as the charge sheet is alleged to have been issued by an incompetent authority.

The Writ Appeal is disposed of with the said observations. No costs. Consequently, C.M.P.No.5689 of 2020 is closed.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

sra

To

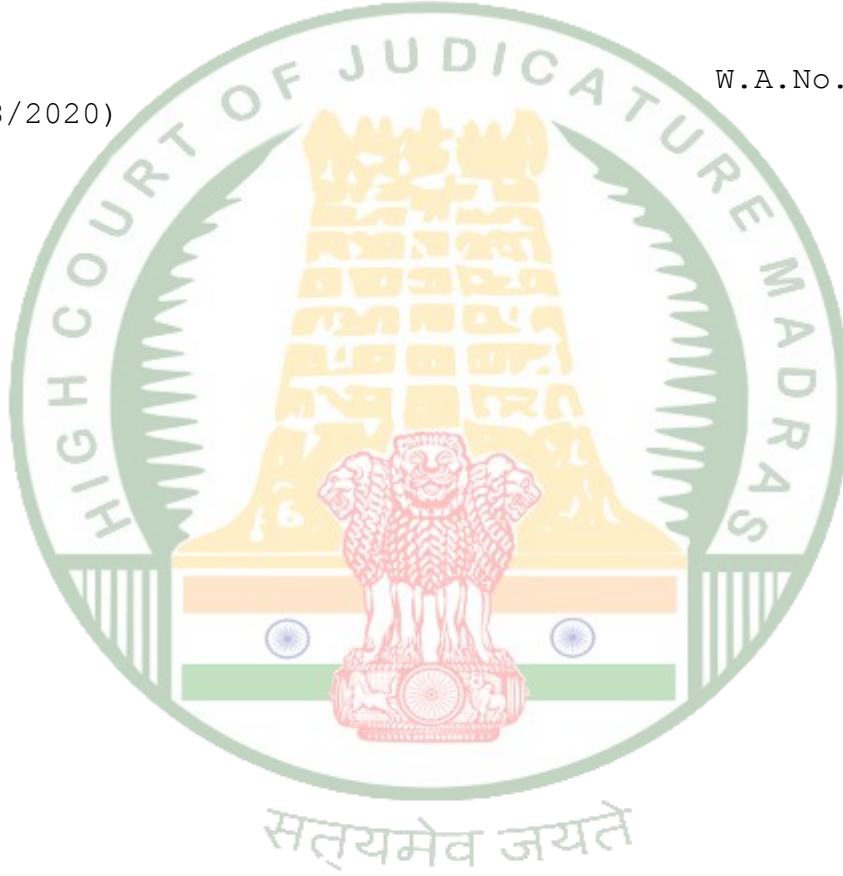
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A.SK(20/08/2020)



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