



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 20.02.2020
CORAM:

THE HONOURABLE Mr.JUSTICE M.S.RAMESH

WEB COPY

W.P. (MD) .No.2125 of 2020
and
W.M.P. (MD) .Nos.1785 and 1787 of 2020

M.Aruldurai

... Petitioner

Vs.

The General Manager,
Tamil Nadu State Transport Corporation
(Tirunelveli) Ltd.,
Ranithottam, Nagercoil,
Kanyakumari District.

... Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorified Mandamus, calling for the records relating to the respondent's order in ref.No.3756/Legal 3//Discipline/TNST/2015 dated 08.04.2019 to quash the same directing the respondent to proceed on the enquiry report already furnished by the first enquiry officer.

For Petitioner : Mr.R.Thangasamy

For Respondent : Mr.R.Rajamohan

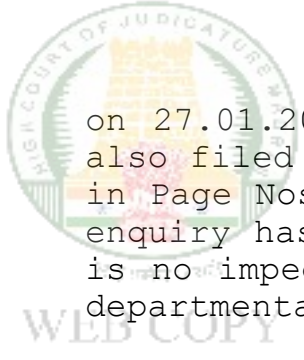
O R D E R

To a set of charges, the petitioner was subjected to a Departmental Enquiry. The present writ petition has been filed against the enquiry notices, which according to the petitioner, is a second enquiry on the same set of charges.

2.The learned counsel appearing for the petitioner would submit that the first Enquiry Officer had already completed the enquiry and has also submitted his report and therefore, the second enquiry is unwarranted. In this connection, the respondents were called upon to produce the original files pertaining to the disciplinary proceedings.

3.It is stated that after the filing of the enquiry report, the first Enquiry Officer viz., Mrs.P.Shanthi Meri, was promoted and transferred to some other Department on 31.06.2018, which prompted the respondent to appoint the second Enquiry Officer for the purpose of continuing the enquiry.

4.The learned Standing Counsel appearing for the respondent had also produced the original files, which evidences that the first Enquiry Officer viz., Mrs.P.Shanthi Meri, had conducted the enquiry



on 27.01.2017 and 31.04.2018 against the petitioner herein and has also filed an undated report, which forms part of the original files in Page Nos.55 to 59. When the charges are one and the same and the enquiry has also been completed by the first Enquiry Officer, there is no impediment on the part of the respondent to proceed with the departmental action from the stage of filing of the enquiry report.

5.As such, the Disciplinary Authority can always take cognizance from the findings of the Enquiry Officer, as revealed in her report and take further course of action. Hence, the appointment of a second Enquiry Officer in this regard, is not only unnecessary but also unwarranted.

6.At this juncture, it is brought to the notice of this Court that even the second Enquiry Officer was withdrawn and a third Enquiry Officer has been appointed.

7.In view of the above discussions, the appointments of all subsequent Enquiry Officers shall stand cancelled. The respondent is at liberty for take further action, based on the first Enquiry Officer's report.

8.With the above observations, the impugned order, dated 08.04.2019 passed by the respondent in Ref.No.3756/Legal3/Discipline/TNST/2015 stands quashed. The writ petition stands allowed accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Ns
To
The General Manager,
Tamil Nadu State Transport Corporation
(Tirunelveli) Ltd.,
Ranithottam, Nagercoil,
Kanyakumari District.

+1 CC to M/s.R.RAJAMOHAN, Advocate (SR-7447[F] dated 20/02/2020)

W.P. (MD) .No.2125 of 2020

and

W.M.P. (MD) .Nos.1785 and 1787 of 2020

20.02.2020