



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.08.2021

CORAM:

THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

W.P.No.16081 of 2021
and
W.M.P.No.17010 of 2021

[Video Conferencing]

V.Saravanan

...Petitioner

vs.

1. Regional Deputy Commissioner (Central),
Central Regional Office,
Corporation of Chennai,
Door No.36B.2nd Cross St., Pulla Avenue,
Shenoy Nagar, Chennai - 600 030.

2. The Zonal Officer, Zone IX,
Central Regional Office,
Corporation of Chennai,
No.1, Lake Area, 4th Cross Street,
Nungambakkam, Chennai - 600 034.

...Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order dated 01.07.2021 bearing Ma.va.a.na.ka.en.a4/3768/2020 passed by the 1st respondent for appointing enquiry officer in respect of the charges made against the petitioner and to quash the same and consequently, direct the respondents to furnish the documents related to the charges and to receive the petitioner's detail explanation before commencement of enquiry and pass such other further orders as this Court may deem fit and proper in the circumstances of the case.

For Petitioner : Mr.R.Thirumoorthy

For Respondents : Mr.M.Ganesan, Senior Counsel
for Greater Chennai Corporation



ORDER

1. By consent of the learned counsel on either side, this writ petition is taken up for final disposal. The learned Senior Counsel for the Greater Chennai Corporation, takes notice on behalf of the respondents.
2. The petitioner has filed the present writ petition challenging the impugned order dated 01.07.2021 by the 1st respondent for appointing an enquiry officer in respect of the charges made against the petitioner and quash the same with a further direction to furnish the documents related to the charges and to receive the detail explanation of the petitioner before commencement of enquiry.
3. The learned counsel for the petitioner submitted that the petitioner was appointed as temporary employee as a driver in the year 1996 and thereafter the petitioner was made as a permanent employee by the respondent corporation, during the year 2000 and a criminal case registered against the petitioner under Section 9 (2) of Chennai Corporation Class III and Class IV Service (discipline and appeal) by laws, dated 09.09.2020. He would further submit that the petitioner has requested the respondents to furnish certain documents for enabling him to give proper explanation to the said charge memo, but the 2nd respondent without considering his request issued a communication dated 29.10.2020 and thereafter, the petitioner has requested the respondents to supply the documents, but the 1st respondent has issued a communication, which reveals that an Enquiry Officer was appointed to enquire the charges vide charge memo dated 09.09.2020. Thereafter, the petitioner rushed to the respondents in person and gave a representation, requesting to furnish the documents relating to the charges levelled against him and also requested to defer the enquiry proceedings till the documents provided to him. But the 1st respondent has issued a communication and direct to participate in the enquiry and thereafter the petitioner sent a written representation that he had appeared before the Enquiry Officer on 19.07.2021 and thereafter, appeared in person before the respondents, explaining his grievances, and on 19.07.2021, there was no enquiry was conducted and an adverse order was passed in respect of the alleged charges levelled against him. Challenging the said order, dated 01.07.2021, the present writ petition is filed.
4. The learned counsel for the respondents would strongly oppose for allowing this writ petition.



5. This Court heard the rival submissions made by the learned counsel on either side and also perused the materials placed on record.

6. In view of the above submissions made by the learned counsel on either side, this Court is inclined to entertain the writ petition. Hence, this Court, directs the respondents / authorities to furnish the documents related to the charges levelled against the petitioner within a period of four weeks from the date of receipt of a copy of this order.

7. With the above directions, this writ petition is disposed of at the admission stage itself. No costs. Consequently, the connected miscellaneous petition is also closed.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

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To:

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SSI (CO)
LS(24/08/2021)