

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 04.02.2021

CORAM :

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.17672 of 2020 and
WMP Nos.21916 & 21917 of 2020

Z.AbuThagheer

... Petitioner

Vs

1. The Joint Commissioner (ST),
Vellore Division,
Vellore.
 2. The Joint Commissioner (ST) FAC,
Vellore Division,
Vellore.
 3. The Deputy Commissioner (ST)/Enquiry Officer,
Vellore.
 4. The Deputy commissioner (CT) FAC,
Cuddalore.
 5. The Assistant Commissioner (ST),
Thiruvannamalai - II Assessment Circle,
Venkikal, Thiruvannamalai.
- Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, praying to issue a writ of Mandamus, directing the enquiry officer / 3rd respondent to keep all further proceedings in abeyance in pursuance of charge memo, dated 22.05.2020 in Rc.A3/6569/2016 till the final objection is filed by the petitioner.

For Petitioner : Mr.R.Raveendran

For Respondents : Mr.M.Hariharan
Additional Government Pleader

O R D E R

This writ petition has been filed, seeking a direction to the enquiry officer / 3rd respondent to keep all further proceedings in abeyance in pursuance of charge memo, dated 22.05.2020 in Rc.A3/6569/2016 till the final objection is filed by the petitioner.

2. According to the petitioner, he is seeking for certain documents relevant to the charges framed and without those documents, the petitioner cannot defend his case effectively and therefore, it is prayed that the enquiry cannot be proceeded with.

3. The learned Additional Government Pleader appearing on behalf of the respondents drew the attention of this Court to Page Nos.10 and 11 of the typedset of papers and submitted that the petitioner has already taken the copies of the documents available, relevant to the charges. It is stated that in respect of Sl. Nos. 6, 7 and 9, those were not documents, for which, no reply can be sent and with regard to Sl.No.2, the petitioner asked for a copy of reply to the questions asked during the evidence, which is irrelevant. He further submitted that the petitioner has also sought for certain documents by communication dated 07.08.2020, in which the documents listed as Sl.Nos.1 to 9 stated at Page 18 of the typedset are in the form of questions, which need to be elucidated in the cross examination and it cannot be said to be the documents at all. However, it is submitted that the document in Sl.No.3, namely the Xerox copy of Ref.No.C2/41/2015, dated 31.09.2016 is not at all available and Sl.Nos.4 and 5 were not relevant to the charges.

4. I find much force in the contention of the respondents and if the petitioner seeks for any documents relevant to the charges framed, it is open to the respondents to produce the same. If he asks for any reply / answer to any questions, which can be done only during chief or cross examination, the same need not be furnished to the petitioner by the respondents.

5. It is needless to mention that it is open to the petitioner to raise questions, when the witness enters into the box. As the petitioner is going to retire in the month of June 2021 at the age of 59, the respondents are directed to conduct

enquiry on a day to day basis without adjourning the matter beyond 3 working days, at any point of time, after furnishing the necessary documents that are relevant to the charges framed and if the charges are framed based on those documents.

6. With the above direction, this writ petition is disposed of. Consequently, connected miscellaneous petitions are closed. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

vum
To:

1. The Joint Commissioner (ST),
Vellore Division,
Vellore.
2. The Joint Commissioner (ST) FAC,
Vellore Division,
Vellore.
3. The Deputy Commissioner (ST)/Enquiry Officer,
Vellore.
4. The Deputy commissioner (CT) FAC,
Cuddalore.
5. The Assistant Commissioner (ST),
Thiruvannamalai - II Assessment Circle,
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+1cc to the Special Government Pleader Sr.6356

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srg 02/03/2021