



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.03.2021

CORAM:

**THE HONOURABLE MR.JUSTICE M.S.RAMESH**

W.P.(MD).No.4454 of 2021

and W.M.P.(MD).No.3588 of 2021

WEB COPY

J.Sam Christudhas,

... Petitioner

Vs.

1.The Chief Executive Officer,  
Khadhi and Village Industries Board,  
Kuralagam, Chennai.

2.The Assistant Director,  
Khadhi and Village Industries Board,  
Nagercoil.

3.The Administrator/Executive Officer,  
Marthandam Bee Keepers Co-operative Society Ltd.,  
No.2050, Vettumani Junction,  
Marthandam (PO),  
Kanyakumari District - 629 165.

... Respondents

**PRAYER:** Writ petition filed under Article 226 of the Constitution of India, for issuance of Writ of Certiorari, to call for the records on the file of the 2<sup>nd</sup> respondent in connection with the impugned Show Cause Notice issued in his Proceedings in Na.Ka.No.657/2015/C1, dated 19.02.2021 and quash the same.

For Petitioner : Mr.D.Vanayagam

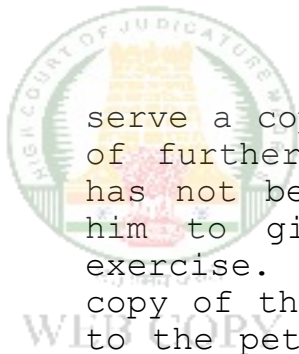
For Respondents : Mr.Raguvaran Gopalan  
Standing counsel

### **O R D E R**

Heard the learned counsel appearing for the petitioner and the learned Standing Counsel appearing for the respondents.

2.Pursuant to certain charges levelled against the petitioner, an enquiry was conducted and the enquiry officer had also filed his report on 12.12.2017, in which, it is stated that some of the charges were held to be proved. Pursuant to the Enquiry Officer's Report, the disciplinary authority has now issued the second show cause notice, calling upon the petitioner to give his explanation, with regard to the proved charges.

3.One of the main grounds raised by the petitioner is that Enquiry Officer's Report, dated 12.12.2017, has not been served on the petitioner and therefore, they are deprived of making an effective objections. It is needles to point out that on conclusion of the enquiry, there is a duty cast on the concerned authorities to



serve a copy of the Enquiry Officer's Report prior to the extending of further opportunity. Admittedly, the Enquiry Officer's Report has not been served on the petitioner and therefore, calling upon him to give his objections to the report, would be a futile exercise. However, if the respondents are directed to furnish a copy of the Enquiry Officer's Report with a consequential direction to the petitioner to give his reply, within a stipulated time, the ends of justice could be secured.

4. In the light of the above observations and without interfering with the impugned show cause notice, dated 19.02.2021, the second respondent is called upon to forthwith furnish a copy of the Enquiry Officer's Report, dated 12.12.2017, to the petitioner and on receipt of the same, the petitioner shall render his explanations called for, pursuant to the show cause notice, dated 19.02.2021, within a period of 15 days from the date of receipt of the Enquiry Officer's Report. It is made clear that though the court is not expressed any of its view on the merits of the writ petition.

5. Accordingly, this writ petition stands closed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

TM

*Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate/litigant concerned.*

To

1. The Chief Executive Officer,  
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Kuralagam, Chennai.



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Nagercoil.

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Kanyakumari District - 629 165.

+1 CC to M/s.RAGUVARAN GOPALAN, Advocate ( SR-8124[F] dated  
02/03/2021 )

+1 CC to M/s.D.SELVANAYAGAM, Advocate ( SR-8312[F] dated  
02/03/2021 )

**W.P. (MD) .No.4454 of 2021**  
**02.03.2021**

ES (CO)  
KK(23.03.2021) 3P 6C