



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:22.12.2021

CORAM:

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P. (MD) .No.5395 of 2018

and

W.M.P. (MD) .Nos.5333 of 2018 and 13953 of 2020

A.Sivanaiya

... Petitioner

vs.

1.Arasu Rubber Corporation Limited,
Vadachery,
Nagercoil -1
through its Managing Director.

2.The Enquiry Officer cum General Manager,
Arasu Rubber Corporation Limited,
Vadachery,
Nagercoil -1.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records of the second respondent's notice dated 01.03.2018 in E2/2378/11 and quash the same and direct the respondents to furnish the copies of the two documents requested by the petitioner by his letter dated 13.01.2018 and 10.02.2018.

For Petitioner

: M/s. S.Louis Gilda

For Respondents

: Mr.A.K.Manikkam

Special Government Pleader

O R D E R

The petitioner challenges an order passed by the Enquiry Officer cum General Manager, Arasu Rubber Corporation Limited/R2 dated 01.03.2018 and seeks a direction to the respondents to furnish copies of two documents as requested by the petitioner.

2. The impugned order is an order fixing the personal hearing in connection with a disciplinary enquiry, without furnishing the documents specifically sought for by the petitioner. In addition, the petitioner would submit that charges have been framed and a charge sheet has been laid and a criminal case is also pending before the Chief Judicial Magistrate, Nagercoil in Special S.C.No.5 of 2012.



3. Mr.A.K.Manikkam, learned Special Government Pleader, who appears for the respondents has ascertained that out of the 17 witnesses, 12 have been examined and he confirms that the proceeding before the criminal court will be concluded in approximately nine months.

4. Thus and since the identity of the charges in the disciplinary and criminal proceedings are one and the same, it would be appropriate that the disciplinary proceedings await conclusion of the criminal case, in order to decide his fate.

5. A direction is thus issued to the Chief Judicial Magistrate, Nagercoil to expedite conclusion of the aforesaid matter in Special S.C.No.5 of 2012 and conclude the same in any event within a period of nine months from today. Since the Judicial Officer is not a party in these proceedings, a copy of this order shall be forwarded to him and this direction shall be communicated to him by the learned Special Government Pleader as well.

6. The disciplinary proceedings will await conclusion of the criminal case and in any event, the Officer shall furnish all relied upon documents to the petitioner, prior to taking the matter forward. This Writ Petition is disposed as above. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

akv

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 Judicial Magistrate,
Nagercoil.

2.The Managing Director
Arasu Rubber Corporation Limited,
Vadachery,
Nagercoil -1

<https://hcservices.courts.gov.in/hcservices/>



3.The Enquiry Officer cum General Manager,
Arasu Rubber Corporation Limited,
Vadachery,
Nagercoil -1.

+1 CC to M/s.A.K.MANIKKAM, Advocate (SR-40327[F] dated 23/12/2021)

W.P. (MD) .No.5395 of 2018
22.12.2021

BK (CO)
KB (31.01.2022) 3P 5C