



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD) No.26966 of 2019

and W.M.P(MD) Nos.23315 and 23316 of 2019

WEB COPY

Su.Gangaatharan,
Executive Engineer P.W.D., W.R.D.,
(Under order of suspension),
Public Works Department,
Korampallam River Basin Division,
Tuticorin.

...Petitioner

Vs.

The Government of Tamil Nadu,
Represented by
the Principal Secretary to Government,
Public Works Department,
Secretariat, Chennai-9.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records of the impugned Show Cause Notice in letter No.8503/E2/2018-12 dated 22.03.2019 and quash the same and consequent direction directing the respondent herein to accept the Enquiry Report dated 24.12.2018 and to drop the disciplinary proceedings against the petitioner.

For Petitioner : Mr.R.Sureshkumar

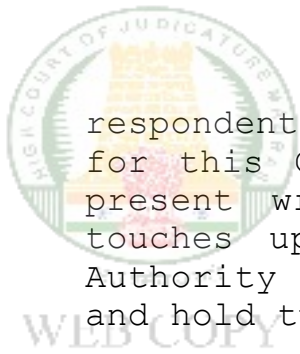
For Respondents : Mr.P.Mahendran

Additional Government Pleader

O R D E R

The petitioner was originally implicated under four charges and as per the report of the Enquiry Officer, all the four charges were held to be not proved. Subsequently, the Disciplinary Authority had held that the charges No.1 and 4 are proved and has also assigned his reasons through the impugned proceedings, dated 22.03.2019. The petitioner herein seems to be aggrieved against the reasoning given by the Disciplinary Authority for holding the charges No.1 and 4 proved and therefore, he had chosen to give his further representation by way of an objection on 04.05.2019. Even before the respondents could consider his objection, the present writ petition has been filed.

2.When the petitioner had chosen to object to the reasoning of the Disciplinary Authority in holding two of the charges as proved and has raised his objection in this regard through his objection dated 04.05.2019, which is pending before the first



respondent herein for consideration, it would not be appropriate for this Court to simultaneously consider such objection in the present writ petition. The grounds raised by the petitioner touches upon the facts of the case, wherein, the Disciplinary Authority had chosen to deviate from the Enquiry Officer findings and hold two of the charges proved.

3. In these circumstances, invoking under Article 226 of the Constitution of India for interference, particularly, when the objection of the petitioner is pending before the Authority, is impermissible. However, if the first respondent is directed to consider the petitioner's objection, within a stipulated time, the ends of justice could be secured.

4. In the light of the above observations, the petitioner is granted liberty to give his further explanation by way of an objection to the impugned show cause notice dated 22.03.2019 and on receipt of the same, the first respondent herein shall consider the same on its own merits and take further course of proceedings in accordance with law, at least within a period of four weeks from the date of receipt of the copy of the explanation. While considering such objections, the first respondent shall give due opportunity to the petitioner by consideration of all the objections raised by the petitioner in his explanation.

5. Accordingly, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

cp

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

The Principal Secretary to Government,
Government of Tamil Nadu,
Public Works Department,
Secretariat, Chennai-9.

W.P. (MD) No.26966 of 2019
and
W.M.P (MD) Nos.23315 and
23316 of 2019

SGS (CO)
TR(23.04.2021) 3P 2C