



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.03.2022

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THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.18497 of 2015

S.L.Hemalatha

Formerly Inspector of Factories/Dy Director of
Industrial Safety & Health Training Centre,
Sivakasi.

...Petitioner

Vs.

1.The State of Tamil Nadu,
Rep. by Secretary to Government,
Labour & Employment (M1) Dept.,
Fort St. George, Chennai - 9.

2.The Chief Inspector of Factories,
Chennai - 5.

3.P.P.Janardhanam (Retd.)
Enquiry Officer,
Formerly Joint Chief Inspector of Factories,
Trichy.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, to call for the records of 1st respondent in connection with the impugned order passed in GO (2D) No.22 Labour & Employment Department dated 02.06.2015 and quash the same and direct the respondents to reinstate the petitioner into service and grant her all consequential service and monetary benefits.

For Petitioner : Mr.L.Chandrakumar

For Respondents: Mr.R.Neelakandan
Additional Advocate General
Assisted by Mr.E.Veda Bagath Singh
Special Government Pleader [R1 & R2]
No Appearance - R3

O R D E R

The order of punishment of compulsory retirement of the petitioner is put under challenge in the present Writ petition.



2. Though several grounds have been raised in the Writ Petition, the learned counsel for the petitioner submitted that during the course of the domestic inquiry, the petitioner was set exparte since she had not participated on two hearings and therefore, sought for a remand for continuing the departmental proceedings.

3. The records produced before this Court reveals that the petitioner herein, had participated in the hearings on 10.03.2008, 24.03.2008, 31.03.2008, 18.07.2008 and 01.08.2008. Thereafter, she had not appeared before the Inquiry Officer on 18.08.2008 and 29.09.2008.

4. The learned counsel for the petitioner submitted that for the hearing on 18.08.2008, the petitioner had made a request on 14.08.2008, seeking for an adjournment on health grounds. Insofar as the inquiry on 29.09.2008 is concerned, request was made on 23.09.2008 for adjournment, stating that the orders of this Court in a Writ Petition was awaited in which, she had sought for furnishing of documents.

5. The learned Additional Advocate General appearing for the first and second respondents submitted that the documents sought for by the petitioner were already furnished to her, which has been recorded by this Court in the order dated 10.06.2014 passed in WP.No.5398 of 2009 and therefore, the reason assigned for non-appearance on 29.09.2008, cannot be true. However, her absence on 18.08.2008 and request for an adjournment made on 14.08.2008, is not denied.

6. This Court is not in appreciation in the manner in which the Inquiry Officer had hurriedly closed the proceedings for her absence on just one hearing. Apparently, her request for an adjournment for the hearing on 18.08.2008, has been accepted earlier. Even if the submission of the learned Additional Advocate General is accepted, the fact remains that for the petitioner's non-appearance on one hearing i.e., on 29.09.2008 alone, she has been set exparte and the charges were held to be proved.

7. Under these circumstances, this Court is of the view that if the petitioner is extended with another opportunity to participate in the domestic inquiry, which can be continued from the last hearing i.e., from 01.08.2008, the ends of justice could be secured. Insofar as the documents are concerned, since it has already been supplied to the petitioner, the petitioner shall not insist for supply of any further documents and shall co-operate in the domestic inquiry.

8. Accordingly, the impugned order dated 02.06.2015, is quashed and the matter is remanded back to the first respondent herein, for continuance of the inquiry initiated pursuant to the charge memo dated 11.04.2005. The first



respondent would be at liberty to either continue with the same Inquiry Officer or appoint a fresh Inquiry Officer, if required. Consequently, the Inquiry Officer shall commence the domestic inquiry proceedings from the conclusion of the hearing dated 01.08.2008 onwards and accord due opportunity to the petitioner in the inquiry. The Inquiry Officer shall conclude the inquiry proceedings atleast within a period of three months from the date of receipt of a copy of this order.

9. With the above directions, this Writ Petition stands ordered. No costs.

Sd/-

Assistant Registrar (CO)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Secretary to Government of Tamil Nadu,
Labour & Employment (M1) Dept.,
Fort St. George, Chennai - 9.
- 2.The Chief Inspector of Factories,
Chennai - 5.
- 3.P.P.Janardhanam (Retd.)
Enquiry Officer,
Formerly Joint Chief Inspector of Factories,
Trichy.

+lcc to Mr.L.Chandrakumar, Advocate SR. No.22016
+lcc to Government Pleader SR. No.22730

W.P.No.18497 of 2015

SPD (CO)
PR (07/04/2022)