



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.24056 of 2012

R.Mohammed Mujamil

... Petitioner

-Vs-

The Annur Major Panchayat,
Rep. by its Executive Officer,
Office of the Annur Major Panchayat,
Annur, Coimbatore - 641 653.

...Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the order dated 02.01.2009 issued by the respondent in Na.Ka.No.442/2008/E, quash the same and consequently direct the respondent to restore the petitioner pay by granting him the increments withheld with all consequential benefits and to regularize the period of suspension from 11.06.2008 to 12.01.2009 as duty with pay for all benefits and also to give credit to his leave account, which was adjusted to regularize the period of suspension.

For Petitioner : Mr.V.Ajoy Khose

For Respondent : No Appearance

ORDER

In service jurisprudence, the proposition that no man can be a judge of his own cause is well settled. In the instant case, one Thiru.S.Kozhandairaj had passed the order of suspension on 11.06.2008, framed the charges on 10.07.2008, issued notices of enquiry on 05.12.2008 and 16.12.2008, conducted the enquiry by himself and also imposed the punishment on 02.01.2009.

2. Apparently, the same is impermissible in law. The same Enquiry Officer cannot initiate the department proceeding, conduct an enquiry and impose the final punishment also. On this sole ground, the order of punishment cannot be sustained.

3. In the result, the impugned order dated 02.01.2009 is quashed. Consequently, there shall be a direction to the respondent to restore the petitioner's pay by granting him the



increments withheld with all consequential benefits and to regularize the period of suspension from 11.06.2008 to 12.01.2009 as duty with pay for all purposes and also to give credit to his leave account, which was adjusted to regularize the period of suspension. The respondent shall endeavour to pass such orders, within a period of two (2) weeks from the date of receipt of a copy of this order.

4. The Writ Petition stands allowed, accordingly. No costs.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

hvk

To

The Executive Officer,
Annur Major Panchayat,
Office of the Annur Major Panchayat,
Annur, Coimbatore - 641 653.

+1cc to Mr.V.Ajoy Khose, Advocate, S.R.No.11488

W.P.No.24056 of 2012

MT(CO)
CT 09/03/2022