



WEB COPY

W.P.No.29687 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:10.11.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.No.29687 of 2022

K.Selvam

... Petitioner

VS.

1.The Inspector General of Registration,
I.G.Registration Office,
100, Santhome Road,
Chennai - 600 028.

2.S.Mahalakshmi

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India for writ of Mandamus directing the second respondent to conduct free and fair enquiry by giving proper opportunity to the petitioner to examine the witness sought for and complaint as witness for the enquiry with respect to charge memo bearing No.11624/B2/2021.

For Petitioner

: Mrs.V.Meenakashi Sundaram

For Respondent 1

: Mr.K.Tippu Sulthan,
Government Advocate



ORDER

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This Writ Petition has been filed for a mandamus seeking for a direction to the second respondent to conduct free and fair enquiry by giving proper opportunity to the petitioner to examine the witnesses.

2. Mr.K.Tippu Sulthan, learned Government Advocate accepts notice on behalf of the first respondent. Since no adverse orders are going to be passed against the second respondent, notice to the second respondent is dispensed with by this Court. By consent of both the parties, this writ petition is taken up for final disposal in the admission stage itself.

3. The petitioner has been charged under the Sexual Harassment Act, based on a complaint. Pursuant to the said complaint, an enquiry has been conducted. It is now brought to the notice of this Court by the learned Government Advocate appearing for the first respondent that the enquiry has already been concluded and an enquiry report dated 13.09.2022 has been submitted. Therefore, according to him, this writ petition is not maintainable.



4. Learned counsel for the petitioner would submit that the petitioner was not afforded a fair hearing in the enquiry proceedings and he was not allowed to examine the witnesses. It is also contended that the complainant herself was not examined as a witness. Learned counsel for the petitioner would also submit that pursuant to the enquiry report dated 13.09.2022 submitted by the second respondent, the petitioner has received a show cause notice dated 11.10.2022 which was received on 07.11.2022 seeking for an explanation with regard to the enquiry report.

5. Heard Mrs.V.Meenakashi Sundaram, learned counsel for the petitioner and Mr.K.Tippu Sulthan, learned Government Advocate appearing for the first respondent.

6. Admittedly, the enquiry has been completed and an enquiry report has already been submitted by the second respondent. Therefore, the question of interference by this Court with regard to the enquiry based on the petitioner's contentions that have been raised in this writ petition will not arise. The petitioner categorically contends that he has not been afforded a fair hearing.



7. If at all the petitioner's contentions that have been raised in this writ petition can be considered, it can be considered only after the petitioner submits an explanation to the show cause notice received by him pursuant to the enquiry report dated 13.09.2022, before the respondents and only in the reply to the said show cause notice, the petitioner can contend what he has raised in this writ petition.

8. Therefore, the petitioner shall raise whatever contentions that have been raised in this writ petition in his reply to be sent to the show cause notice dated 11.10.2022 which has been received by him pursuant to the enquiry report dated 13.09.2022. The first respondent shall consider the said contentions found in the reply to be sent by the petitioner to the show cause notice dated 11.10.2022 on merits and in accordance with law and only thereafter, shall pass final order.

9. With the aforesaid observations, this writ petition is disposed of. No costs.

10.11.2022

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Index:Yes/No

Speaking/Non-speaking orders



To

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ABDUL QUDDHOSE, J.
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