



WEB COPY



W.P.No.31563 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.11.2022

CORAM

THE HONOURABLE Mr. JUSTICE ABDUL QUDDHOSE

W.P.No.31563 of 2022
and WMP.No.31015 of 2022

J.Kalaiarasi
Inspector of Police (Now Under Suspension)
Serious Crime Squad
Coimbatore District

.. Petitioner

Vs.

1.The Director General of Police
State of Tamil Nadu
Chennai.

2.The Inspector General of Police
North Zone, Chennai
State of Tamil Nadu.

3.The Deputy Inspector General of Police
Coimbatore Range.

4.The Superintendent of Police
Coimbatore District
Coimbatore.

.. Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the



W.P.No.31563 of 2022

records of the third respondent's proceedings vide PR.No.49/D1/2021 dated 29.09.2022 is illegal and quash the same and consequential direction or nature of direction directing the respondents to change the enquiry officer and enquiry place from Coimbatore to any place at North or Central Zone and to appoint the New Enquiry Officer to conduct the enquiry in accordance with law by affording due opportunity to the delinquent employee.

For Petitioner : Mr.Abdul Mohib
for Mr.K.Rajendra Prasad

For Respondents : Mr.L.S.M.Hasan Fizal
Additional Government Pleader

ORDER

The petitioner seeks for a change of Enquiry Officer as well as change of place of enquiry.

2. The petitioner has imputed bias against the Enquiry Officer. Earlier, the petitioner had approached this Court and filed a writ petition in W.P.No.22346 of 2022. In the said writ petition, this Court had disposed of the same by directing the Enquiry Officer to consider the petitioner's representation within a period of two weeks. For the said period of two weeks, the enquiry proceedings were directed to be



W.P.No.31563 of 2022

deferred. Once again, the petitioner is before this Court by filing this present writ petition, raising the very same bias which was earlier raised by her in the earlier writ petition in W.P.No.22346 of 2022.

3. This Court is of the considered view that enquiry cannot be stalled at this stage. The only limited relief that can be granted to the petitioner is to direct the Enquiry Officer to afford a fair hearing to the petitioner in the enquiry proceedings and adhere to the principles of natural justice, and only thereafter pass final orders in the enquiry proceedings.

4. Accordingly, this writ petition is disposed of by directing the fourth respondent to afford a fair hearing to the petitioner and only thereafter pass final orders in the enquiry proceedings, on merits and in accordance with law. No costs. Consequently, connected miscellaneous petition is closed.

25.11.2022

Speaking Order/Non-speaking Order

Index : Yes / No

ds



W.P.No.31563 of 2022

WEB COPY

To:

- 1.The Director General of Police
State of Tamil Nadu
Chennai.
- 2.The Inspector General of Police
North Zone, Chennai
State of Tamil Nadu.
- 3.The Deputy Inspector General of Police
Coimbatore Range.
- 4.The Superintendent of Police
Coimbatore District
Coimbatore.



WEB COPY



W.P.No.31563 of 2022

ABDUL QUDDHOSE.J.,

ds

W.P.No.31563 of 2022

25.11.2022