



W.P.No.31331 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.11.2022

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THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.No.31331 of 2022 &
W.M.P.No.30773 of 2022

P.Sundararajan

... Petitioner

Vs

- 1.The Director,
Tamil Nadu Fire and Rescue Service,
No.17, Rukmani Lakspathi Salai,
Egmore, Chennai - 600 008.
- 2.The District Officer,
Department of Tamil Nadu Fire and Rescue Service,
South Chennai, Ashok Nagar,
Chennai - 83.
- 3.V.Sankar,
The Inquiry Officer,
Assistant Director,
Department of Tamil nadu Fire and Rescue Service,
Ashok Nagar (South Chennai),
Chennai - 83

... Respondents

Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari call for the records of the second



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respondent pertaining to the impugned order dated 12.10.2022 vide Na.Ka.No.12589/Aa/2021 appointing the third respondent as inquiry officer and quash the same as illegal unconstitutional.

For Petitioner	...	Mr.C.Iyyapparaj
For Respondents	...	Mr.L.S.M.Hasan Fizal Additional Government Pleader

ORDER

This writ petition has been filed challenging the enquiry proceedings initiated against the petitioner, pursuant to a charge memo issued to him under Rule 17(b) of the Tamil Nadu Civil Services (Disciplinary and Appeal) Rules.

2. Mr.L.S.M.Hasan Fizal, learned Additional Government Pleader accepts notice on behalf of the respondents. By consent of both the parties, this writ petition is taken up for final disposal in the admission stage itself.

3. Heard Mr.C.Iyyapparaj, learned counsel for the petitioner and Mr.L.S.M.Hasan Fizal, learned Additional Government Pleader appearing for the respondents.



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4. While the enquiry is pending, this Court cannot entertain this writ petition. The grievance of the petitioner is that proper opportunity of hearing was not granted to him by the enquiry officer and documents sought for by him were also not furnished.

5. However, learned Additional Government Pleader appearing for the respondents would submit that the documents referred to in the charge memo were supplied to the petitioner and the same has also been acknowledged by the petitioner and a fair hearing was afforded to the petitioner. However, the same is disputed by the learned counsel for the petitioner.

6. Undoubtedly, any enquiry will have to be conducted in a fair manner and the delinquent must be granted a fair hearing. In the present writ petition, the petitioner is the delinquent.

7. This Court has made a suggestion to the learned counsel for the petitioner as to whether the petitioner will be satisfied if a direction is



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issued to the enquiry officer to conduct a fair hearing and submit an enquiry report, only after affording a fair hearing to the petitioner. On instructions from his client, the learned counsel for the petitioner would submit that the petitioner will be satisfied, if such a direction is issued to the enquiry officer.

8. No prejudice would be caused to any of the parties, if such a direction is issued to the enquiry officer.

9. For the foregoing reasons, this writ petition is **disposed of** by directing the third respondent (V.Shankar, Inquiry Officer) to afford a fair hearing to the petitioner and only thereafter, submit his enquiry report. Consequently, connected miscellaneous petition is closed. No costs.

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Index: Yes/ No
Speaking Order/Non-speaking Order



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ABDUL QUDDHOSE, J.

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