



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.03.2022

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P. (MD)No.4747 of 2022

K.Ramachandran

... Petitioner

vs

The Joint Registrar/Field Officer,
81 Enquiry Officer,
R.R.1442 Ramanathapuram District Public Works
and Highways Department Employees Co-operative
Thrift and Credits Society,
Ramanathapuram District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondent to furnish the 81 enquiry report to the petitioner in pursuance of the enquiry proceedings initiated against the petitioner vide summon dated 26.04.2021 by the respondent within the period that may be stipulated by this Court may deem fit and proper in the circumstances of the case.

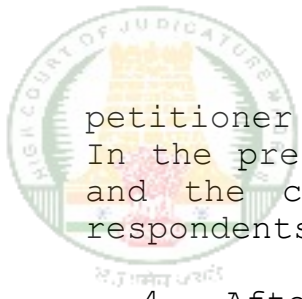
For Petitioner : M/S.J.Irfana fathima
for M/S.Ajmal Associates
For Respondents : Mr.M.Ramesh
Government Advocate(Civil side)

O R D E R

The petitioner is seeking direction to the respondents to furnish the 81 enquiry report

2. The brief facts of the case are that the petitioner is working as a Manager in Highways Department. The petitioner has availed loan from the Public Works and Highways Department Employees Co-operative Thrift and Credits Society, Ramanathapuram to the tune of Rs.7,00,000/- and again he availed another loan in the year 2018 to the tune of Rs.10,80,000/-. The petitioner has paid the amount periodically in installment basis. The 81 enquiry was conducted in the Society. Thereafter, the petitioner was issued summons, dated 28.08.2021 and the petitioner attended the enquiry on 26.04.2021. Inspite of one year was over, the petitioner was not served with the Section 81 enquiry report. Therefore, the petitioner has filed this writ petition.

3. The respondent has submitted that the 81 enquiry was concluded, but it is awaiting for the formal approval of the appropriate authority. After the approval of the formal authority, the enquiry report would be served to the concerned person. Based on section 81 enquiry if any surcharge proceedings are initiated, the



petitioner would be eligible to the copy of the 81 enquiry report. In the present case, the disciplinary action, surcharge proceedings and the criminal action were not initiated. According to the respondents it is only in preliminary stage.

4. After hearing both the parties, this Court is of the considered opinion that the petitioner would be entitled to the copy of the section 81 enquiry report only after the formal approval from the competent authority. But the contention of the petitioner is that the enquiry was completed one year before and inspite of, more than one year the copy is not served to the petitioner.

5. Therefore the respondents are directed to conclude the enquiry and approval shall be granted within a period of three months. After the approval the respondents are directed to serve the copy of the report to the petitioner.

6. With the above direction, the Writ Petition is allowed. No costs.

Sd/-

Assistant Registrar (T&P)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

jbr

Note:

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate/litigant concerned.

To

The Joint Registrar/Field Officer,
81 Enquiry Officer,
R.R.1442 Ramanathapuram District Public Works
and Highways Department Employees Co-operative
Thrift and Credits Society,
Ramanathapuram District.

+2 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-12856[F] dated 18/03/2022)

+1 CC to M/s.SPL GP (SR-12978[F] dated 18/03/2022)

W.P. (MD)No.4747 of 2022

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