



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.05.2022

CORAM:

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P. (MD)No.9838 of 2022

and

W.M.P. (MD) .No.7070 of 2022

WEB COPY

S.Muralidharan

.. Petitioner

Vs

The Regional Transport Officer,
Transport Department,
District Collector Office Complex,
Theni, Theni District.

.. Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondent to permit the petitioner to pursue the copy of complaint and other corrected documents pertaining to disciplinary proceedings initiated against the petitioner vide Memo.R.N.030363/B1/2021, dated 22.04.2022 in order to submit proper explanation for the charge memo, based on the petitioner's representation dated 11.05.2022.

For Petitioner : Mr.Raja Karthikeyan

For Respondent : Ms.D.Farjana Ghoushia
Special Government Pleader

ORDER

This writ petition has been filed for a mandamus seeking for a direction to the respondent to permit the petitioner to peruse the copy of the complaint and other connected documents pertaining to the disciplinary proceedings initiated against the petitioner on 22.04.2022 based on the petitioner's representation dated 11.05.2022 within a time frame as fixed by this Court.

2. The petitioner is facing disciplinary proceedings and a charge memo has also been issued against him. The petitioner's grievance is that he has not been furnished with all necessary documents which are the basis for the charge memo. In such circumstances, he has given a representation on 11.05.2022 requesting the respondents to permit him to peruse the copy of the complaint and other documents pertaining to the disciplinary proceedings. Since the representation has not been considered till date, he has filed this writ petition.

3. Heard Mr.Raja Karthikeyan, learned counsel for the petitioner and Ms.D.Farjana Ghoushia, learned Special Government



Pleader who accepts notice on behalf of the respondent.

4. Ms.D.Farjana Ghoushia, learned Special Government Pleader appearing for the respondent, on instructions, would submit that the petitioner will have to personally come to the office of the respondent to inspect the concerned files/documents pertaining to the disciplinary proceedings initiated against him.

5. Learned counsel for the petitioner is agreeable for the same. However, he would submit that all documents pertaining to the disciplinary proceedings will have to be perused by the petitioner and the same should be permitted by the respondent.

6. No prejudice would be caused to the respondent if the petitioner's representation seeking for perusal of documents pertaining to his disciplinary proceedings is directed to be considered. Accordingly, this Court directs the respondent to intimate the petitioner as to when the petitioner will have to come and inspect the documents pertaining to the disciplinary proceedings initiated against him and on such date, the petitioner shall visit the office of the respondent and inspect the said documents. However, it is made clear that on the date fixed for inspection, the petitioner shall visit the office of the respondent and inspect the documents without fail.

7. It is also submitted by the learned counsel for the petitioner that the charge memo is dated 22.04.2022 and 21 days period granted for the petitioner to submit his defence statement expires on 16.05.2022 and therefore the learned counsel for the petitioner seeks further time of two weeks to submit his explanation from the date when the petitioner inspects the documents in the respondent's office. Accordingly two weeks time is granted for the petitioner to submit the explanation from the date of inspection of the files/documents pertaining to the disciplinary proceedings by the petitioner at the respondent's office.

8. In terms of the above directions, this writ petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

pkn

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To:

The Regional Transport Officer,
Transport Department,
District Collector Office Complex,
Theni, Theni District.

+1 CC to M/s.SPL.GP (SR-24056[F] dated 23/05/2022)

W.P. (MD) No. 9838 of 2022
20.05.2022

RD(01.06.2022) 3P 3C