



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.05.2022

CORAM:

THE HONOURABLE **MR.JUSTICE R.SURESH KUMAR**
and
THE HONOURABLE **MR.JUSTICE R.VIJAYAKUMAR**

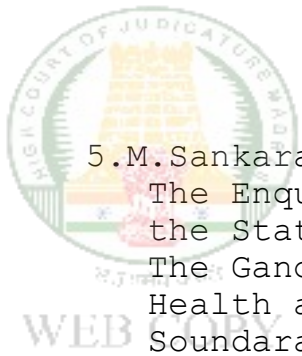
W.A. (MD) No.480 of 2022
and
C.M.P. (MD) No.4490 of 2022

Dr.M.Chellamuthu

...Appellant/Writ Petitioner

/Vs./

- 1.The Gandhigram Institute of
Rural Health and Family Welfare Trust,
Rep by its Chairman,
Soundaram Nagar,
Gandhigram Post,
Dindigul District.
- 2.The Director
The Gandhigram Institute of
Rural Health and Family Welfare Trust,
Soundaram Nagar,
Gandhigram Post,
Dindigul District.
- 3.S.Seethalakshmi,
The Director,
The Gandhigram Institute of
Rural Health and Family Welfare Trust,
Soundaram Nagar,
Gandhigram Post,
Dindigul District.
- 4.J.Punithaselvi,
The Enquiry Officer,
The Principal, RHTTI, GIRH & FWT,
The Gandhigram Institute of Rural
Health and Family Welfare Trust,
Soundaram Nagar,
Gandhigram Post,
Dindigul District.



5.M.Sankarapandian,
The Enquiry officer,
the Statistician, GIRH & FWT,
The Gandhigram Institute of Rural
Health and Family Welfare Trust,
Soundaram Nagar,
Gandhigram Post,
Dindigul District.

...Respondents/Respondents

PRAYER: Writ Petition filed under Clauses 15 of the Letter Patent Act praying this Court to allow this writ appeal by set aside the order dated 19.04.2022 made in W.P(MD) No.14709 of 2021 on the file of this Court.

Prayer in WP(MD). 14709/ 2021 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ, order or direction more particularly in the nature of a WRIT OF CERTIORARI calling for the records pertaining to the impugned order of the 4th respondent in REF-GIRH/ESTT/2021-2022/0248 dated 11.08.2021 pursuant to the order of the 2nd respondent dated 01.07.2021 in REF-GIRH/ESTT/2021-2022/0139 and quash the same and pass such other orders and this Honble Court may deem fit and proper in the circumstances and thus render justice.

For Appellant : Mr.A.R.Jeyarhuthran

For R1 to R3 : Mr.V.Karthikeyan
for Mr.V.Vijay Shankar

JUDGMENT

[Judgment of the Court was made by **R.SURESH KUMAR, J.**]

This writ appeal has been directed against the order passed by the learned Judge of this Court, dated 19.04.2022 made in WP(MD) No. 14709 of 2022.

2.In the said writ petition, the order impugned was a summon, dated 11.08.2021 summoning the petitioner for attending an enquiry, which has already been initiated against him.

3.When this challenge was made, the learned Judge, who decided the writ petition by impugned order dated 19.04.2022, having considered the earlier proceedings, under which, each and every stage of the disciplinary proceedings/enquiry, the writ petitioner had moved the writ petition unsuccessfully and this has been taken



note of by the learned Judge and ultimately, the learned Judge found no plausible reasons or grounds raised by the petitioner. Therefore, he was inclined to dismiss the writ petition by the impugned order.

4.We have heard Mr.A.R.Jeyarhuthran, learned counsel for the appellant, who among other things, canvass the point that when the appellant requested the Enquiry Officer to permit him to engage a lawyer during the enquiry, the same was not considered and rejected. When this point was raised before the learned Judge during the writ proceedings, the same has not been considered by the learned Judge as nothing has been reflected in the impugned order. Therefore, that was one of the points raised by the learned counsel for the appellant to assail the impugned order of the learned Judge.

5.In response to the same, we have gone through the affidavit filed in support of the writ petition before this Court. We have found that nothing stated in the affidavit filed in support of the writ petition, as to the alleged plea made by the writ petitioner to seek permission to engage a lawyer during the enquiry proceedings. When that being so, the Writ Court cannot be expected to decide that issue without having raised the same before Writ Court. Therefore, on that ground also, the appellant cannot successfully challenge the impugned order.

6.Apart from this, no other plausible reasons or grounds since have been raised by the appellant, we are not inclined to interfere with the impugned order. Hence, this Writ Appeal fails.

7.Accordingly, this Writ Appeal is dismissed. There shall be no order as to costs. Consequently, connected CMP(MD).No.4490 of 2022 is also dismissed.

Sd/-

Vacation Officer/
Assistant Registrar (As)

// True Copy //

28/05/2022

Sub Assistant Registrar(CS)

CP/RMK

+1 CC to M/s.V. KARTHIKEYAN, Advocate(SR-24169[F] dated 27/05/2022)

W.A. (MD) No.480 of 2022

and

C.M.P. (MD) No.4490 of 2022

Dated:

26.05.2022

MGJ(28.05.2022) 3P 2C

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