



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:23.03.2022

CORAM:

THE HONOURABLE **MR.JUSTICE S.M.SUBRAMANIAM**

W.P. (MD)No.18619 of 2021 and

WMP (MD) Nos.15356/2021 & 353/202022

WEB COPY

G.Ravi Ubald Prakash

... Petitioner

Vs.

1.The Commissioner

Directorate of Technical Education,
53 Sardar Patel Road,
Guindy, Chennai 625 025.

2.The Correspondent/Secretary

Kamaraj Polytechnic College
Palavilai 629 501
Kanyakumari District.

3.The Principal

Kamaraj Polytechnic College
Palavilai 629 501
Kanyakumari District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Certiorarified Mandamus to call for the records relating to the suspension order No.NMSKP-0231-A1-2021 dated 25.09.2021 passed by the 2nd respondent and quash the same and consequently direct the respondents to treat the period from 08.09.2021 F.N. To 22.09.2021 F.N. (during which the 3rd respondent prevented the petitioner from attending college) and the suspension period from 27.09.2021 FN as duty period and grant all the service and monetary benefits within a time limit to be fixed by this Court.

For Petitioner : Mr.G.Ravi Ubald Prakash
petitioner in person

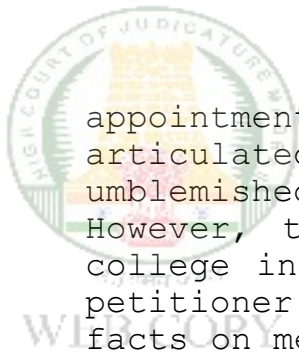
For Respondents : Mr.G.V.Vairam Santhosh
for R1
Mr.N.Dilip Kumar for R2 & R3

ORDER

The writ petition has been instituted questioning the order of suspension dated 25.09.2021 and to regulate the period of suspension as duty.

2. The petitioner was appointed as work instructor in the second respondent aided polytechnic college and subsequently his

<https://hcservices.ecourts.gov.in/hcservices/>



appointment was approved. The petitioner appeared in person articulated his arguments by stating that he has served 38 years of unblemished service and he is being penalized unnecessarily. However, the fact remains that the management of the polytechnic college initiated departmental disciplinary proceedings against the petitioner for certain allegations. The party in person placed the facts on merits and this Court is of an opinion that those facts and defence with reference to the allegations raised by the management cannot be adjudicated by this Court in the present writ proceedings.

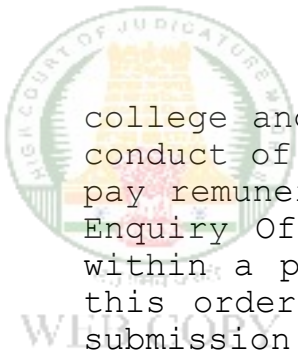
3. The petitioner seeks certain relevant documents including the CCTV video footage. However, all such documents, if any, relied upon by the management to establish the charges shall be provided to the writ petitioner at the time of conducting the enquiry by the Enquiry Officer. At the outset, the departmental disciplinary proceedings must be continued and the petitioner is entitled for an opportunity to defend his case in the manner known to law.

4. During the course of arguments, the petitioner in person made several allegations against the management and he expressed his difficulty in appearing before the Enquiry Officer to be appointed by the management. He is of the strong perception that an Enquiry Officer if appointed by the management, he may not get a fair enquiry and therefore, an independent Enquiry Officer is to be appointed. In order to provide complete justice to the parties, this Court asked the learned Additional Government Pleader to identify the name of a retired Government official from Kanyakumari District for the purpose of conducting an independent enquiry in all free and fair manner.

5. The learned Additional Government Pleader in consultation with the collectorate furnished the name of one Mr.K.Benedict Dharma Roy, District Revenue Officer retired residing at 11/67-1 Velayuthan Nagar, Eraniel Road, Thuckalay Post, Kanyakumari District, 629 175 (mobile No.8903452741).

6. The learned counsel for the management objected all the contentions raised by the petitioner in person. It is contended that the petitioner has submitted his explanation for the charges framed against him. It is made clear that the petitioner is at liberty to submit his explanation within a period of one week from the date of receipt of a copy of this order to the management and the Enquiry Officer has to proceed with the enquiry without causing any undue delay.

7. In this view of the matter, the said Mr.K.Benedict Dharma Roy is appointed as Enquiry Officer to conduct the enquiry into the charges framed against the petitioner by the second respondent Management. The enquiry officer shall fix the date and time for conduct of enquiry and issue notice to all the parties and conduct the enquiry at the premises of the second respondent polytechnic



college and a separate place must be selected by the management for conduct of enquiry. The second respondent management is directed to pay remuneration of Rs.50,000/- (Rupees fifty thousand only) to the Enquiry Officer, out of which, a sum of Rs.25,000/- is to be paid within a period of one week from the date of receipt of a copy of this order and the balance amount of Rs.25,000/- is to be paid on submission of enquiry report by the Enquiry Officer.

8. Travelling expenses, if any also shall be paid by the second respondent to the Enquiry Officer. The Enquiry Officer shall conduct enquiry in a free and fair manner by following the established principles. The said enquiry is directed to be completed within a period of three months from the date of receipt of a copy of this order. Both the petitioner and the management are directed to cooperate for the early disposal of the enquiry and unnecessary adjournments are to be avoided by all the parties. In the event of any non cooperation of either of the parties, the same shall be recorded by the Enquiry Officer in the proceedings itself. The Enquiry Officer shall submit a final report to the management in a sealed cover and copy of the enquiry report shall be served to the petitioner simultaneously.

9. The independent enquiry officer is appointed in the present case considering the peculiar circumstances and the apprehension raised by the petitioner in person regarding the conduct of enquiry by the management. Therefore, the said appointment cannot be taken as a precedent for other cases.

10. With these directions, the writ petition stands disposed of. No costs. Consequently connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

RR

To

1.The Commissioner
Directorate of Technical Education,
53 Sardar Patel Road,
Guindy, Chennai 625 025.

2. Mr.K.Benedict Dharma Roy,
District Revenue Officer (retired)
1/67-1 Velayuthan Nagar,



Eraniel Road,
Thuckalay Post,
Kanyakumari District, 629 175

+1 CC to M/s.G.RAVI UBALD PRAKASH, Advocate (SR-13829[F] dated
23/03/2022)

+1 CC to M/s.SPL GP (SR-14328[F] dated 24/03/2022)

+1 CC to M/s.N.DILIPKUMAR, Advocate (SR-14372[F] dated 24/03/2022)

W.P. (MD) No.18619 of 2021
23.03.2022

KS (CO)
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