



W.P(MD)No.22020 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.09.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.22020 of 2022

and

W.M.P.(MD)Nos.16177, 16178 & 16179 of 2022

T.Vasantha

... Petitioner

Vs.

1.The Assistant Director,
Handloom and Textiles,
Nagercoil,
Kanyakumari District.

2.The President,
Muthalar Handloom Weavers Corporation,
(Production and Sales) Ltd., No.K.N.H.1,
Senkodi Post,
Kanyakumari District.

3.V.H.S.Prathap
Enquiry Officer,
Eranial,
Neyyor Post,
Kanyakumari District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records of the impugned domestic enquiry report dated 13.08.2022 of the 3rd respondent herein and the consequential impugned show cause notice dated



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05.09.2022 of proposed punishment issued by the 2nd respondent and quash the same as illegal and further direct the 2nd respondent herein to conduct a de-nova enquiry by appointing another Enquiry Officer.

For Petitioner : Mr.V.Meenakshisundaram
For R1 & R : Mr.A.K.Manikkam
Special Government Pleader

ORDER

Heard the learned counsel counsel for the writ petitioner and the learned Special Government Pleader appearing for R1 & R2.

2. What is under challenge is the show cause notice along with the enquiry report.

3. The writ petitioner's counsel has raised several contentions. The main ground is that the enquiry officer happens to be closely associated with the manager of the second respondent Corporation.

4. It is of-course open to the petitioner herein to raise all the contentions before the disciplinary authority. It is well settled that an enquiry report is not binding on the disciplinary authority and that the disciplinary authority can as well take a different view. The petitioner is given two more weeks from today



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to offer her explanation. The disciplinary authority is mandated to consider all the petitioner's contentions before passing the final order. I make it clear that I have not gone into the merits of the matter. All the contentions of the petitioner are left open.

5. The Writ Petition is disposed of with the aforesaid direction. No costs. Consequently, connected miscellaneous petitions are closed.

19.09.2022

Index : Yes / No
Internet : Yes/ No
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To

- 1.The Assistant Director,
Handloom and Textiles,
Nagercoil,
Kanyakumari District.
- 2.The President,
Muthalar Handloom Weavers Corporation,
(Production and Sales) Ltd., No.K.N.H.1,
Senkodi Post,
Kanyakumari District.



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G.R.SWAMINATHAN, J.

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