



WEB COPY



W.P.No.1

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.11.2023

CORAM

THE HONOURABLE Ms.JUSTICE R.N.MANJULA

W.P. No.1199 of 2020
and W.M.P. No.1468 of 2020

V.Pandiyarajan

... Petitioner

/vs/

1. Anna University
Rep. by it Vice Chancellor
Sardar Patel Road,
Chennai – 600 025.

2. The Registrar,
Anna University.
Sardar Patel Road,
Chennai – 600 025.

3. Dr.L.Karunamoorthy

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records on the file of the Second Respondent pertaining to all proceedings pursuant to Memo No.60511/CFL/PR24/99 dated 06.06.2014 and the proceedings No.60511/PR24/99 dated 27.12.2019 issued by the Second Respondent and quash the same and to issue consequential directions to the respondents herein to treat the period of suspension with effect from 03.10.2013 to



W.P.No.1

13.03.2016 as duty period for all purposes and to grant annual increments, revision of pay and corresponding pay on par with promotion post of Associate Professor and to disburse all the monetary arrears with interest on the delayed payment and for consequential promotion as Professor on par with his immediate junior and grant all consequential benefits to the petitioner within a limited time frame.

For Petitioner ... Mr.M.Ravi

For Respondents ... Mr.Avinash for
Mr.V.Srinath

ORDER

The petitioner has filed this writ petition challenging the enquiry proceedings initiated against him on the ground that the impugned proceedings have been issued against him for the second time.

2.After the preliminary enquiry was conducted in the first instance, charges have been framed against the petitioner and the petitioner was subjected to the disciplinary proceedings by appointing an Enquiry Officer. The enquiry report dated 26.10.2018 exonerated the petitioner from all the charges. However, on 27.12.2019, the 3rd respondent has once again appointed another Enquiry Officer in violation of the Disciplinary Rules of the University and initiated the enquiry once again.



WEB COPY

3.As per the Regulation 4 of the Anna University Statutes on Disciplinary Procedure, once again when the enquiry is contemplated, the opportunity should be given to the delinquent, if the disciplinary authority arrived at a preliminary conclusion about the imposition of any penalty. In the case on hand, the petitioner has not been found guilty by the Enquiry Officer himself. In the case, there is no question of appointing second Enquiry Officer. Even for any extraneous reason, the appointment authority does not agree with the report of the Enquiry Officer, the tentative dissent of the appointing authority has to be given to the delinquent and he should be given with an opportunity to make some other representation. Even thereafter, the papers have to be placed before the Syndicate before passing any further orders. But the impugned has been passed without complying the above mandates and hence, it is fundamentally illegal.

4.In view of the above, impugned order dated 06.06.2014 and 27.12.2019 are set aside and the 1st respondent is directed to pass appropriate orders in the light of the relief grant to the petitioner, within a period of six weeks from the date of receipt of a copy of this order.



WEB COPY



W.P.No.1

R.N.MANJULA ,J.

SSR

5.With the above direction, this writ petition is disposed of accordingly. No Costs.

Consequently, connected miscellaneous petition is closed.

20.11.2023

Index: Yes / No

Speaking order / Non-speaking order

ssr

To:

1.The Vice Chancellor
Anna University
Sardar Patel Road,
Chennai – 600 025.

2.The Registrar,
Anna University.
Sardar Patel Road,
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