



W.P.No.3864 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.02.2023

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

W.P.No.3864 of 2023

R.Kuppusamy

... Petitioner

Vs.

1.The District Revenue Officer
O/o.The District Revenue Officer
Dharmapuri
Dharmapuri District.

2.The District Revenue Officer
O/o.The District Revenue Officer
Harur
Dharmapuri District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 2nd Respondent to consider the representation dated 29.11.2022 of the petitioner submitted to accept the petitioner explanation and drop the Departmental proceedings under 17-B



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charges pending against the petitioner consequently direct the 2nd respondent to order a fresh enquiry by giving opportunities to the petitioner in accordance with law.

For Petitioner : Mr.V.R.Appaswamee

For Respondents : Mrs.E.Indhumathi
Government Advocate

ORDER

This writ petition has been filed for the issue of a writ of mandamus directing the 2nd respondent to consider the representation made by the petitioner on 29.11.2022, wherein, the petitioner by way of giving his explanation, has requested the 2nd respondent to drop the disciplinary proceedings initiated against him.

2.The case of the petitioner is that disciplinary proceedings were initiated against him by issuing a charge memo under 17(b) of the Tamil Nadu Civil Service (Discipline and Appeal) Rules. An enquiry officer was appointed and the grievance of the petitioner is that the enquiry officer did



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not give sufficient opportunity to the petitioner to cross examine the petitioner. Ultimately, the enquiry officer submitted his report before the 2nd respondent. The 2nd respondent issued a show cause notice on 16.11.2022, directing the petitioner to give his explanation on the enquiry report given by the enquiry officer.

3.The petitioner gave a detailed explanation on the enquiry report on 29.11.2022. The petitioner has also raised the ground that he was not provided with sufficient opportunity to cross examine the witness.

4.The grievance of the petitioner is that the 2nd respondent has not acted upon the explanation given by the petitioner and the same is being kept pending and hence. the petitioner has approached this Court seeking for appropriate directions.

5.Heard Mr.V.R.Appaswamee, learned counsel for the petitioner and Mrs.E.Indhumathi, learned Government Advocate appearing on behalf of the respondents.



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6.It is seen that the enquiry has been completed and an enquiry report has been submitted and an explanation has been sought for from the petitioner by the 2nd respondent and the petitioner has also given his explanation. In his explanation, the petitioner apart from raising other grounds, has also raised the ground that he was not given sufficient opportunity to cross examine the witness. Taking into consideration the limited relief sought for in this writ petition and without going into the merits of the case, there shall be a direction to the 2nd respondent to consider the explanation given by the petitioner and to take a final decision on its own merits within a period of **four weeks** from the date of receipt of a copy of this order.

7.This writ petition is disposed of with the above directions. No costs.

10.02.2023

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Internet : Yes/No

Index : Yes/No

Speaking Order :Yes/No

Neutral Judgment :Yes/No

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To

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Dharmapuri District.
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N.ANAND VENKATESH,J.

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