



WEB COPY



W.P. No.22613 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.11.2023

CORAM:

THE HON'BLE MR. JUSTICE S. VAIDYANATHAN

and

THE HON'BLE MR. JUSTICE K. RAJASEKAR

W.P. No.22613 of 2023 and W.M.P. No.22046 of 2023

S. Venkatesan

Petitioner

v

- 1 The Registrar General
High Court of Madras
Principal Bench
Chennai 600 104
- 2 The Enquiry Officer
The Principal District Judge
Cuddalore
- 3 The Presenting Officer
The Chief Judicial Magistrate
Cuddalore

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorarified mandamus calling for the records pertaining to the orders dated 07.07.2023 and 10.07.2023 in the departmental enquiry in ROC No.196/2019/VC, 558/2019/VC and 845/2018/VC/B2 on the file of the second respondent and quash the same and to direct the second respondent to summon the witnesses as prayed in the petitions filed by the petitioner and examine them.



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For petitioner Mr. R. Natarajan

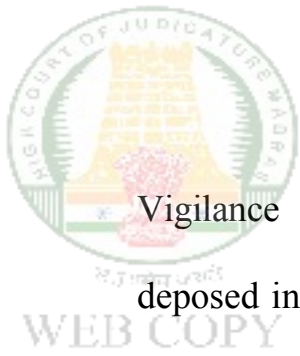
For respondents Mr. Karthik Rangathan
Standing Counsel

ORDER

(made by S. VAIDYANATHAN, J.)

The petitioner is the Principal District Munsif, Tittakudi and he is now under suspension. He filed two petitions before the second respondent, the Principal District Judge, Cuddalore, who is the Enquiry Officer. The first petition dated 09.06.2023 was to issue summons to the then Registrar (Vigilance), now, Principal District and Sessions Judge, Villupuram, to give evidence in the departmental enquiry. The second petition dated 19.06.2023 was to summon four Government officials, out of whom, two are I.A.S. officers and one has retired. The second respondent, *vide* two speaking orders dated 07.07.2023 and 10.07.2023, dismissed both the petitions. Thereagainst, the petitioner has filed this writ petition seeking a further direction to the second respondent to summon the witnesses aforesaid.

2 The main bone of contention of the learned counsel for the petitioner is that Ex.P.66 and Ex.P.73 do not contain the seal and signature of the then Registrar (Vigilance) and this is why, he filed the aforesaid first petition.



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Vigilance Cell, Cuddalore Detachment, at the relevant point of time, he has deposed in crystal clear terms that Ex.P.66 and Ex.P.73 did not contain either the signature or the seal of the Registrar (Vigilance) and that they were marked with objections. Merely because two exhibits marked on the side of the prosecution did not bear the seal and signature of the person concerned, it does not mean that the said person has to be examined as a witness by the petitioner. The same is our view *qua* four Government officials who were sought to be examined by the petitioner through his second petition aforesaid. That apart, it is seen that all the witnesses referred to, have been examined and all the documents have been marked through witnesses and they have also been subjected to cross-examination by the petitioner. Further, having gone through the orders impugned, we are of the view that the same, which are pregnant with sound reasonings, do not call for any interference by this Court. However, it is open to the petitioner to canvass before the Enquiry Officer that the documents in question may not be applicable and that may be considered by the Enquiry Officer while rendering a finding.

In view of the discussion aforesaid, this writ petition fails and is accordingly dismissed, however, sans costs. Connected W.M.P. stands closed.

(S.V.N., J.) (K.R.S., J.)
21.11.2023

cad

S. VAIDYANATHAN, J.



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and

K. RAJASEKAR, J.

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To

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