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W.P.No.23543 of 2023 and W.M.P.Nos.23055 and 23056 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 31.08.2023

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.23543 of 2023
and W.M.P.Nos.23055 and 23056 of 2023

Dr.N. Arockiadoss

...

Petitioner

versus

1. The Chairman
Central Institute of Classical Tamil,
Perumbakkam, Semmozhi Salai,
Chennai 600 100.
2. The Secretary,
Department of Tamil Development
Namakkal Kavignar Malaigai,
4th Floor, Fort St. George,
Secretariat, Chennai 600009.
3. Union of India
Rep.by Secretary
Ministry of Human Resources Development,
Shastri Bhawan, New Delhi 110 001.
4. The Director
Central Institute of Classical Tamil,
Perumbakkam, Semmozhi Salai,
Chennai 600 100.



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5. The Registrar,
Central Institute of Classical Tamil,
Member of the Disciplinary and Grievances Redressal Committee
Perumbakkam, Sammozhi Salai,
Chennai 600 100.

6. Dr.S. Dharmasenan,
Member of Governing Board,
Member of the Disciplinary and Grievances Redressal Committee,
Central Institute of Classical Tamil,
Plot-588, 1st Floor, 2nd Main Road,
Astalakshmi Nagar, Aalapakkam,
Porur, Chennai 600 116. ... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records of the 5th Respondent in Proceedings No.F.No.11-264/2023-24/CICT dated 28.07.2023 and 01.08.2023 and quash the same and consequently this Court may appoint an independent enquiry officer to enquire into the charges levelled against the petitioner.

For Petitioner : Mr. N.G.R. Prasad
for M/s. Row and Reddy

For Respondents : Mr. P. Baladhandayutham,
Special Government Pleader [for R1 & R2]

Mr.AR.L. Sundaresan,
Additional Solicitor General,
Assisted by Mr.V. Venkatasamybabu, SPC
[for R3 to R5]



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ORDER

In this Writ Petition challenge has been made against the constitution of Committee Member to enquire into the Charge Memo issued against the Writ Petitioner. The very charge against the Writ Petitioner is that he pursued his Ph.D. Degree in full time without permission from the Respondents.

2. In an earlier occasion a similar challenge has been made by the petitioner in W.P.No.30399 of 2014 dated 23.01.2023 this Court has directed the Respondents 2 and 3 to reconstitute the members of the Disciplinary and Grievances Redressal Committee, who are officers not junior to the petitioner, with a direction to complete the enquiry within a period of six months.

3. Now, the grievance of the Writ Petitioner is that the very Committee has been constituted contrary to the order of this Court. According to the Writ Petitioner, junior member has been appointed as



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Committee Member. Further the very constitution has been challenged mainly on the ground that the Respondents are biased since the Petitioner has already challenged various actions of the Respondents. Therefore, it is his contention that if the same committee is continued and the Petitioner will not get any justice.

4. Counter has been filed denying the entire allegations. It is stated in the counter that the Petitioner is a contract employee and he cannot claim any seniority and parity with regularly Recruited and Appointed Employees. Hence it is the contention of the learned Senior Counsel appearing for the Respondents that the enquiry has been initiated in the year 2014 and the petitioner has successfully dragged the same till date in one way or other.

5. Whereas the learned counsel for the Petitioner would submit that if the enquiry is continued by the officials against whom the Writ Petitions have already filed, which will be biased enquiry. Hence he seeks an independent Enquiry Officer.



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6. When the case has been listed before this Court in the last hearing, this Court has directed the Petitioner to file an affidavit and accordingly, affidavit has been filed by the petitioner agreeing to appoint a retired District Judge and the affidavit is taken on record.

7. This Court without going into the merits of the matter, in order to give a quietus of the issue, though delinquent has no right to claim in different enquiry officer outside the department and it is only the employer have authority to appoint an enquiry officer, taking note of the various writ petitions filed by the Petitioner against the impugned order of the Respondents in W.P.No.15768 of 2013 and W.P.No.30399 of 2014, this Court is of the view that in the interest of justice an independent enquiry officer is required. Though the Petitioner is filed an affidavit seeking appointment of District Judge as an enquiry officer, this Court is of the view that such exercise is not required considering the nature of the case.

8. In such a view of the matter, this Court appoints Mr.M.K.Kabir, Learned Senior Counsel, High Court, Madras [Office: GE, Vantage Tower,



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34, 5th Avenue, Besant Nagar, Chennai 600090 (Cell No.9840044258)] as

Enquiry Officer.

(i) The Enquiry Officer shall conduct and conclude the enquiry within a period of three (3) months from the date of receipt of copy of this Order.

(ii) It is also made clear that the Petitioner shall co-operate with the Enquiry Officer.

(iii) Since the affidavit of the petitioner, agreeing for the independent enquiry officer has already been taken on record, in case the petitioner is trying to drag on the proceedings, the Enquiry Officer shall proceed exparte enquiry and to conclude the proceedings within a period of three months.

(iv) The Respondents may fix the remuneration of the Enquiry Officer after consulting him.



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9. With the above directions, the Writ Petition is disposed of.

Consequently, connected W.M.P.s are closed. No costs.

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NCC : Yes/No
Index : Yes/No.
ggs

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2. The Secretary, Department of Tamil Development
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