



W.P.No.29596 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.11.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.29596 of 2023
and W.M.P.No.29230 of 2023

G. Elumalai

... Petitioner

Vs.

1.State of Tamil Nadu,
Rep. by its Joint Commissioner
(Land Acquisition),
Chepauk, Chennai – 600 005.

2.Thiru.Dominic Sreedhar,
Superintendent,
Land Administration Department,
Ezhilagam, Chepauk,
Chennai – 600 005.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records of the 1st respondent pertaining to his proceedings made in Proceedings No.A3/4049197/2023 dated 16.06.2023 and quash the same.



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W.P.No.29596 of 2023

For Petitioner : Mr.R. Malaichamy

For R1 : Mr.M. Bindran,
Additional Government Pleader

ORDER

Heard the learned counsel for the petitioner, as well as the learned Additional Government Pleader appearing for the first respondent.

2. Pursuant to framing of charges under Rule 17(B) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules against the petitioner herein, an Inquiry Officer was appointed through the impugned proceedings dated 16.06.2023, which is put under challenge in the present Writ Petition.

3. The main ground raised is that the petitioner's request to engage a defense Assistant to defend his case, has not been accepted by the second respondent herein, who is the Inquiry Officer.



W.P.No.29596 of 2023

WEB COPY

4. G.O.Ms.No.160, P&AR(N) Department, dated 20.09.2006, provides that the Government Servant who is facing the departmental proceedings, may take the assistance of any retired Government Servant to present the case on his behalf but may not engage a legal practitioner for the purpose unless the Inquiry Officer is a legal practitioner or having regard to the circumstances of the case so permits.

5. In the instant case, the Inquiry Officer is not a legal practitioner. In the light of G.O.Ms.No.160 dated 20.09.2006, the petitioner would be entitled to engage the services of a retired Government Servant to present the case on his behalf. Such a stand has also been reiterated by the respondents themselves in the counter-affidavit filed by them.

6. Accordingly, the Writ Petition is ordered. Consequently, there shall be a direction to the respondents herein, to continue the



W.P.No.29596 of 2023

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departmental proceedings against the petitioner herein and complete the same, as expeditiously as possible, in any event, within a period of three (3) months from the date of receipt of a copy of this order. Pending the proceedings, the petitioner is at liberty to engage the services of a retired Government Official to defend the case on his behalf. No costs. Connected miscellaneous petition is closed.

23.11.2023

Index: Yes
Speaking order
Internet: Yes
Neutral Citation: Yes

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W.P.No.29596 of 2023

WEB COPY
To

1.Joint Commissioner (Land Acquisition),
State of Tamil Nadu,
Chepauk,
Chennai – 600 005.

2.Thiru.Dominic Sreedhar,
Superintendent,
Land Administration Department,
Ezhilagam, Chepauk,
Chennai – 600 005.



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W.P.No.29596 of 2023

M.S.RAMESH,J.

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W.P.No.29596 of 2023

23.11.2023