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W.P. No.34779 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.12.2023

CORAM:

THE HONOURABLE MR. JUSTICE S. VAIDYANATHAN

and

THE HONOURABLE MR. JUSTICE K.RAJASEKAR

W.P. No.34779 of 2023 and W.M.P. No.34764 of 2023

P. Prabhakaran

Petitioner

v

1 The Principal District Judge
Tiruppur
Tiruppur District

2 The Subordinate Judge
Dharapuram
Tiruppur District

Respondents

Writ Petition preferred under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondents to furnish the relevant records relating to PRC No.5 of 2009 sought by the petitioner to prove his innocence in D.P. No.2 of 2023, by considering his representations dated 29.09.2023 and 31.10.2023.

For petitioner Mr. N. Manokaran

For respondents Mr.V. Vijay Shankar
Standing Counsel



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ORDER

(made by S. VAIDYANATHAN, J.)

The petitioner is a Sherishtadar in the Principal District Court, Erode and he has been deputed to the Special Court to deal with MCOP cases. He was issued with a memo on 21.06.2022 directing him to submit his explanation for the delay in sending the records after the committal proceedings in P.R.C. No.5 of 2009. The petitioner's explanation dated 16.08.2022 to the said memo was rejected by the first respondent and he was also issued with a charge memo dated 11.04.2023 under Rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules. In response, the petitioner submitted a representation dated 29.09.2023 followed by a reminder dated 31.10.2023 to the first respondent seeking to furnish him the copies of 12 documents alluded to in the charge memo, out of which, he was furnished with only 8 documents.

2 According to the petitioner, without furnishing him with copies of four important documents which formed the basis for the charge memo, the first respondent has proceeded to appoint the second respondent as the Inquiry Officer.



3 Seemingly, the petitioner is in need of copies of those four documents to prove his innocence and since the same not having been furnished to him, he has filed this writ petition seeking a direction to the respondents to furnish him the same by considering his representations dated 29.09.2023 and 31.10.2023.

4 The learned counsel for the petitioner's main bone of contention is that the charges levelled against the petitioner are serious in nature; the petitioner left the place of incident four years ago and without the copies of four documents sought by him, he will not be in a position to defend himself.

5 The learned Standing Counsel for the respondents submitted that most of the documents sought by the petitioner are, at present, not available and in the event of any of those documents being relied upon during the enquiry proceedings, the copies of the same will be furnished to the petitioner.

6 Be that as it may, the onus is on the respondents to prove the charges framed against the petitioner. The principles of natural justice demand that if any of the documents sought by the petitioner are to be relied upon by the respondents, the copies of the same will have to be furnished to the



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The learned Standing Counsel for the respondents also submitted that the petitioner is entitled to verify the documents sought by him and take note of the same to defend himself in the domestic inquiry and he cannot ask for documents which are not going to be relied upon by the respondents in the domestic inquiry, more so, when most of them are not available as on date.

8 Considering the rival submissions, we direct that in case, any of the documents sought by the petitioner is to be relied on by the respondents in the domestic inquiry, copies of the same shall be furnished to the petitioner in order to enable him to defend himself in the domestic inquiry. Since the charges framed against the petitioner are under Rule 17(b), *ibid.*, we expect the Inquiry Officer to proceed with the inquiry on a day-to-day basis without adjourning the inquiry beyond 10 working days at any given point of time, the reason for the same being, on account of the delay caused by the petitioner, one delinquent is no more. While observing so, we make it clear that we do not render any finding as to the petitioner's guilt or otherwise and the discussion made above is only for the limited purpose of deciding this writ petition.



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With the above direction and observations, this writ petition stands disposed of, sans costs. Connected W.M.P. stands closed.

(S.V.N., J.) (K.R.S., J.)
14.12.2023

cad

To

- 1 The Principal District Judge
Tiruppur
Tiruppur District
- 2 The Subordinate Judge
Dharapuram
Tiruppur District



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S. VAIDYANATHAN, J.

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