



W.P.(MD)No.15027 of 2020

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:01.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.15027 of 2020

and

W.M.P(MD)Nos.12665 and 12669 of 2020

K.Kannan

... Petitioner

Vs.

1.The Director,
Animal Husbandry and Veterinary Department,
D.M.S.Complex,
5th Floor, Block – 2,
Anna Salai, Teynampet,
Chennai – 600 018.

2.The Regional Joint Director,
Animal Husbandry Department,
Collectorate Campus,
Virudhunagar,
Virudhunagar District.

3.The Deputy Director,
Cattle Breeding and Fodder Development,
Animal Husbandry Department,
Virudhunagar – 626 003,
Virudhunagar District.



W.P.(MD)No.15027 of 2020

4. The Deputy Director,
Animal Diseases and Intelligent Unit,
Animal Husbandry Department,
Virudhunagar – 626 003,
Virudhunagar District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records on the file of the third respondent in connection with the impugned Enquiry Notice issued by him vide his proceedings in Na.Ka.No.164/A1/2017 dated 14.10.2020 and quash the same as illegal and arbitrary and consequently direct the third respondent to appoint an Enquiry Officer and proceed with the Departmental Enquiry after furnishing necessary documents in regard to the memorandum of charges issued to the petitioner vide his proceedings in Na.Ka.No.64/A1/2017 dated 22.11.2017 based on the petitioner's representations dated 30.09.2019, 30.05.2020, 20.07.2020, 21.08.2020 and 21.09.2020 within the time limit that may be stipulated by this Court.

For Petitioner : Mr.G.Thalaimutharasu
For Respondents : Mr.S.P.Maharajan,
Special Government Pleader

ORDER

This writ petition has been filed to quash the impugned Enquiry Notice issued by the third respondent vide his proceedings in Na.Ka.No.164/A1/2017, dated 14.10.2020, as illegal and arbitrary and



W.P.(MD)No.15027 of 2020

WEB COPY

consequently, to direct the third respondent to appoint an Enquiry Officer and proceed with the Departmental Enquiry after furnishing necessary documents in regard to the memorandum of charges issued to the petitioner vide his proceedings in Na.Ka.No.64/A1/2017 dated 22.11.2017 based on the petitioner's representations dated 30.09.2019, 30.05.2020, 20.07.2020, 21.08.2020 and 21.09.2020 within a specified period.

2. The case of the petitioner is that the petitioner was appointed as a Driver in the respondent Department on 01.10.2012. While he was in service, he was issued with a charge memo under Rule 17(b) of Tamil Nadu Civil Services(Discipline and Appeal) Rules on 22.11.2017 and the same was served to the petitioner on 01.12.2017. Challenging the charge memo, the petitioner filed a writ petition in W.P(MD)No.23187 of 2017 and the same is pending. While so, the third respondent without furnishing the relevant documents to the petitioner, has proceeded with the enquiry. Pursuant to the same, the impugned Enquiry Notice has been issued to the petitioner. Hence, challenging the same, the petitioner has filed this writ petition with the aforesaid prayer.



W.P.(MD)No.15027 of 2020

WEB COPY

To:

- 1.The Director,
Animal Husbandry and Veterinary Department,
D.M.S.Complex,
5th Floor, Block – 2,
Anna Salai, Teynampet,
Chennai – 600 018.
- 2.The Regional Joint Director,
Animal Husbandry Department,
Collectorate Campus,
Virudhunagar,
Virudhunagar District.
- 3.The Deputy Director,
Cattle Breeding and Fodder Development,
Animal Husbandry Department,
Virudhunagar – 626 003,
Virudhunagar District.
- 4.The Deputy Director,
Animal Diseases and Intelligent Unit,
Animal Husbandry Department,
Virudhunagar – 626 003,
Virudhunagar District.



WEB COPY



W.P.(MD)No.15027 of 2020

M.DHANDAPANI, J.

pm

W.P.(MD)No.15027 of 2020

01.02.2023