



WEB COPY



W.P.No.773 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.01.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.773 of 2024

M.Muthukumar

...Petitioner

-Vs-

1.The Director,
Director of Municipal Administration,
No.78, Urban Administrative Building,
Santhome High Road,
Chennai – 600 009

2.The District Collector,
Tirupur District,
Tirupur.

3.The Chairperson,
Local compliance committee,
Joint Director/Project Director,
Office of Magalir Thittam,
Collectorate,
Tirupur.

4.The District Social Welfare Officer,
District Welfare Office,
No.35, 36 District Collectors office,
Tirupur.

... Respondents



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Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Mandamus directing the 2nd and 3rd Respondents to furnish the report of the Local Complaint Committee constituted on 17.08.2023 to enquire into the complaint preferred against the Petitioner by three DBC workers (Domestic Breed Checkers) of Kangeyam Municipality and consequently direct the 2nd and 3rd Respondents to furnish a copy of the attendance register, written statement and evidence of the complainant, written statements of Thiru. Selvaraj, Sanitary Inspector and Thiru. Karthikeyan, DBC Worker and the video and audio clips taken during the enquiry to the Petitioner.

For Petitioner : M/s.L.P.Maurya

For Respondents : Mr.S.Rajesh
Government Advocate.

ORDER

This Writ Petition has been filed for a direction directing the second and third respondents to furnish the enquiry report of the Local Complaint Committee.

2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. The petitioner was appointed to the post of Municipal Commissioner (Grade II) by direct transfer with effect from 09.03.2020.



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Thereafter, he was transferred to Kulithalai Municipality and following that to Kangeyam Municipality as Municipal Commissioner (Grade II). Since the petitioner had examined the files pertaining to the appointment of Domestic Breed Checkers, they had filed complaint against the petitioner alleging that there was sexual harassment. On the strength of the said complaint, the petitioner was suspended from service and also served with a charge memo. Both were challenged before this Court in various writ petitions in W.P.Nos.17324 & 28785 of 2022 and this Court, by an order dated 21.06.2023, set aside the order of suspension and consequential charge memo with liberty to the respondents to initiate action against the petitioner subject to the outcome of the enquiry by the Local Complaint Committee. Accordingly, the Local Complaint Committee was constituted which conducted a detailed enquiry. After completion of enquiry, the petitioner was issued with a show cause notice to submit his explanation. The only grievance of the petitioner is that the petitioner was not served with enquiry report with the Memorandum of the first respondent dated 16.11.2023.

4. Considering the above facts and circumstances of the case, the first respondent is directed to serve a copy of enquiry report conducted by the



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third respondent along with related documents, which were subjected for enquiry, forthwith. On receipt of the same, the petitioner is directed to submit his explanation within a period of two weeks from the date of receipt of the enquiry report.

5. With the above direction, this Writ Petition is disposed of. No costs.

11.01.2024

Internet: Yes

Index : Yes/No

Speaking/Non Speaking order

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To

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G.K.ILANTHIRAIYAN. J,

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