



W.P. No. 19126 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.04.2024

CORAM

THE HON'BLE MR. JUSTICE D. BHARATHA CHAKRAVARTHY

W.P. No. 19126 of 2023

&

W.M.P. No.s. 18383 & 18384 of 2023

Mr.P. Yabesh

..Petitioner

Vs.

1. The District Collector,
Thiruvallur, Thiruvallur District.
2. The Personal Assistant to Collector,
(Development Wing),
Thiruvallur Collectorate,
Thiruvallur.
3. The Assistant Director of Panchayats,
(Development Wing)
Thiruvallur Collectorate,
Thiruvallur.
4. The Block Development Officer (V.P.),
Kadambathur Panchayat Union,
Thiruvallur District.

..Respondents



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Prayer: Petition under Article 226 of the Constitution of India praying for issue of a Writ of Certiorari to call for the records pertaining to the impugned order dated 10.12.2022 in Na.Ka.No. 10695/2019/Pa2 passed by the 1st respondent and quash the same.

For Petitioner :: Mr.V. Jayaprakash Narayanan

For Respondents :: Mr.C. Jayaprakash,
Govt. Advocate for R1 to R3
Mr.K.H. Ravikumar
Govt. Advocate for R4

ORDER

The writ petition is filed challenging the impugned order dated 10.12.2022 in and by which the petitioner was imposed with the punishment of stoppage of increment with cumulative effect for a period of two years.

2. The contention of the learned counsel for the petitioner is that after the issuance of charge memo and submission of the explanation by the petitioner, an enquiry under Rule 17(b) of Tamil Nadu Civil services (Discipline & Appeal) Rules was proceeded with and the Enquiry Officer, without following the principles of natural justice and without recording any evidence, whatsoever, merely went through the written explanation given by the petitioner and held



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that the explanation given by the petitioner was not acceptable to him and gave a finding that the charges were proved. According to the learned counsel, such a procedure adopted by the Enquiry Officer is erroneous in law.

3. The writ petition is resisted by the respondents by filing a counter affidavit.

4. On a perusal of the report of the Enquiry Officer as well as the counter affidavit, it is clear that when the enquiry commenced, no evidence, whatsoever, was recorded by the Enquiry Officer; no witnesses were examined and no cross-examination was permitted. The Enquiry Officer had just gone through the explanation submitted by the delinquent official and given a finding. This Court has repeatedly held that such course adopted by the Enquiry Officer is incorrect in law. Useful reference in this regard could be made to the judgment of this Court in ***K. Govindaswamy V. Tamil Nadu Civil Supplies Corporation Limited*** reported in (1998) 3 LLN 326)

5. In that view of the matter, the enquiry report as well as the punishment imposed on the petitioner cannot be allowed to stand. Hence, the



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writ petition is allowed on the following terms:

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"The impugned order of punishment dated 10.12.2022 is quashed. However, the respondents can proceed afresh in the matter from the stage of enquiry. If the respondents choose to proceed from the stage of enquiry, the Enquiry Officer shall strictly adhere to the principles of natural justice and render a finding after examining the witnesses; marking documents and affording an opportunity to the petitioner to cross-examine the witnesses.

No costs. Connected W.M.Ps are closed.

26.04.2024

nv

To

1. The District Collector,
Thiruvallur, Thiruvallur District.

D. BHARATHA CHAKRAVARTHY,J.

nv

2. The Personal Assistant to Collector,
(Development Wing),



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Thiruvallur Collectorate,
Thiruvallur.

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3. The Assistant Director of Panchayats,
(Development Wing)
Thiruvallur Collectorate,
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4. The Block Development Officer (V.P.),
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