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W.P.No.19724 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.07.2024

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THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.19724 of 2024

and

W.M.P.Nos. 21593 and 21594 of 2024

S.Jerald Arokiya Santhanam

... Petitioner

Vs

1. Tamil Nadu Handloom Weavers'
Co-operative Society Limited,
No. 350, Pantheon Road,
Egmore, Chennai – 600 008,
Rep. by the Managing Director.

2. Tamil Nadu Handloom Weavers'
Co-operative Society Limited,
No. 350, Pantheon Road,
Egmore, Chennai – 600 008,
Rep. by the Regional Manager.

3. Dr. Gomathi Senthilkumar,
Inquiry Officer,
O/o. Senior Regional Manager,
Tamil Nadu Handloom Weavers'
Co-operative Society Limited,
No. 350, Pantheon Road,
Egmore, Chennai – 600 008.

... Respondents



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Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, Certiorarified Mandamus, calling for the records pertaining to the charge memo made in Rc. No. A/Charge Memo/2021-22/2022-A1 dated 02.03.2022, the additional charge memo made in Rc. No. A/Addl./Charge Memo/2022 dated 11.03.2022 issued by the second respondent, the inquiry report of the third respondent made in No. Nill dated 15.06.2023 and order of dismissal of the petitioner from service issued by the first respondent made in Rc. No. A/3218/2024/A3 dated 25.06.2024 and quash the same, consequent to remit the matter to the first respondent to conduct afresh inquiry after affording reasonable opportunity to the petitioner by supplying all additional documents as requested by him.

For Petitioner : Mr. R.Malaichamy

For Respondents : Mr. S.Arumugam,
Government Advocate (for R1 & R2)

O R D E R

The Writ Petition has been filed challenging the charge memo made in Rc. No. A/Charge Memo/2021-22/2022-A1 dated 02.03.2022, the additional charge memo made in Rc. No. A/Addl./Charge Memo/2022 dated 11.03.2022, issued by the second respondent, the inquiry report of the third respondent made in No. Nil dated 15.06.2023, and the order of dismissal of



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the petitioner from service issued by the first respondent made in Rc. No. A/3218/2024/A3 dated 25.06.2024 and consequent to remit the matter to the first respondent to conduct a fresh inquiry after affording a reasonable opportunity to the petitioner by supplying all additional documents as requested by him.

2. Heard the learned counsel for the petitioner as well as the learned Government Advocate appearing for the first and second respondents and perused the materials available on record.

3. The petitioner was served with a charge memo on 02.03.2022. Thereafter, a domestic enquiry was conducted. After completion of the enquiry and receipt of the enquiry report, the petitioner submitted a representation on the second show cause notice, seeking certain documents. The specific request of the petitioner was that disciplinary proceedings were initiated without furnishing certain documents. However, the request made by the petitioner was not considered, and as such, the petitioner was constrained to file a Writ Petition before this Court in W.P. No. 4999 of



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2024. This Court, by order dated 28.02.2024, directed the respondents to serve all the documents sought by the petitioner before commencing the disciplinary enquiry. Accordingly, the petitioner were submitted the documents by communication dated 29.04.2024. However, without conducting a further enquiry, the final order was passed on the explanation submitted by the petitioner on the second show cause notice, thereby dismissing the petitioner from service.

4. On a perusal of the order passed by this Court, it reveals that this Court specifically ordered that the respondents are directed to serve all the documents to the petitioner, as per the annexures of the charge memo dated 02.03.2022 and 11.03.2022, before commencing the disciplinary enquiry. This means that, after serving the documents, the enquiry was to be conducted, but even before filing the Writ Petition, the enquiry was already conducted, and the petitioner was served with the enquiry report along with the second show cause notice. On receipt of the second show cause notice, the petitioner submitted a representation seeking certain documents, which were annexed in the charge sheet. Therefore, the final order passed by the



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first respondent dated 25.06.2024 cannot be sustained, and it is liable to be quashed.

5. In view of the above, the final order dated 25.06.2024, passed by the first respondent, is hereby quashed. The Disciplinary Authority is directed to conduct a fresh enquiry and complete the same within a period of two weeks from the date of receipt of a copy of this order. Thereafter, the Disciplinary Authority shall complete the entire disciplinary proceedings within a further period of two weeks.

6. With the above directions, this Writ Petition is partly allowed. Consequently, the connected Miscellaneous Petitions are closed.

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Index: Yes/No
Neutral Citation: Yes/No
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To
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1. The Managing Director,
Tamil Nadu Handloom Weavers'
Co-operative Society Limited,
No. 350, Pantheon Road,
Egmore,
Chennai – 600 008,
2. The Regional Manager,
Tamil Nadu Handloom Weavers'
Co-operative Society Limited,
No. 350, Pantheon Road,
Egmore,
Chennai – 600 008.
3. Dr. Gomathi Senthilkumar,
Inquiry Officer,
O/o. Senior Regional Manager,
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G.K.ILANTHIRAIYAN, J.

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