



Writ Petition No.23559 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.08.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.23559 of 2024
and
W.M.P.Nos.25771 & 25772 of 2024

T.Dinaker

S/o.D.Thirunavukarasu

... Petitioner

Vs.

1.The Principal,
Chellammal Women's College of
The Pachaiyappa's Trust,
No.112, Anna Salai, Little Mount,
Guindy, Chennai - 600 032.

2.The Pachaiyappa's Trust,
represented by its Secretary,
Shenoy Nagar,
Chennai - 600 030.

3.The Disciplinary Authority,
The Secretary Pachaiyappa's Trust,
Shenoy Nagar, Chennai - 600 030.

4.The Enquiry Officer,
Thiru.N.Balasubramanian, M.A., B.L.,
District Judge (Retired),
Pachaiyappa's Trust Office,
Shenoy Nagar, Chennai - 600 030.

... Respondents



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Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorarified Mandamus calling for the records pertaining to passing of the order dated 12.01.2024 in I.A.No.1 of 2023 in D.P.No.1 of 2023 on the file of fourth respondent and quash the same and consequently, direct the fourth respondent to keep the Domestic Enquiry in D.P.No.1 of 2023 in abeyance pending disposal of the criminal case.

For Petitioner : Mr.E.Viswanathan

For Respondents : Mr.V.P.R.Elamparithi
Additional Government Pleader
[R3 & R4]

ORDER

This writ petition has been filed challenging the proceedings of the fourth respondent in I.A.No.1 of 2023 in D.P.No.1 of 2023, dated 12.01.2024.

2. Heard Mr.E.Viswanathan, learned counsel for petitioner and Mr.V.P.R.Elamparithi, learned Additional Government Pleader appearing for respondents 3 and 4.



3. The main ground on which the present writ petition has been filed is that on similar set of allegations, criminal case has been lodged and the police is in the process of enquiring the same. Therefore, according to the petitioner, if the departmental proceedings are permitted to be proceeded further, it will prejudice the right of the petitioner in the criminal proceedings.

4. In the considered view of this Court, not even a First Information Report has been registered in this case till date. The reasoning that has been given by the enquiry officer for not keeping the domestic enquiry in abeyance is extracted hereunder:

"In this case in hand criminal case at the stage of complaint and No FIR, No investigation and no charge sheet and it is only preliminary stage. So there is no question of grave and serious nature arises. But domestic enquiry is concerned after framing of charges. Enquiry officer appointed and the delinquent filed their counter in the enquiry and for witness examination witness summoned on the fixed day on 28.11.2023, the witness was present, at this juncture this petition to stay was filed. Hence witness was sent back without examination. The examination of witnesses in domestic enquiry will be completed within a short span of period. But criminal case is concerned it is in preliminary stage and it will take time to reach the stage of filing charge sheet and completion of trial and till then if domestic enquiry is stayed certainly it leads to undue delay and further more the delinquents are already under suspension from service. At this juncture stay or kept in abeyance the domestic enquiry is not fair. Further more in this case there is no involvement of complicated question of law or facts. Therefore I come to the conclusion that the stay or kept



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in abeyance of domestic enquiry till the completion of criminal case is not necessary and it will no way affect the delinquents defence in the criminal case. Hence this petition is not deserves to be allowed."

5. This Court does not find any illegality in the above stand taken by the enquiry officer. There is absolutely no bar to proceed further with the departmental proceedings just because a complaint has been given before the police.

In view of the above, this Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

20.08.2024

Neutral Citation: Yes/No
Index: yes/no
Speaking Order/Non-Speaking Order
gm

To

1.The Disciplinary Authority,
The Secretary Pachaiyappa's Trust,
Shenoy Nagar, Chennai - 600 030.

2.The Enquiry Officer,
Thiru.N.Balasubramanian, M.A., B.L.,
District Judge (Retired),
Pachaiyappa's Trust Office,
Shenoy Nagar, Chennai - 600 030.



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N.ANAND VENKATESH, J

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