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W.P.No.30492 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.12.2024

CORAM:

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.30492 of 2024

and

W.M.P.Nos.33115 and 33116 of 2024

M. Elumalai

...Petitioner

Vs

1. The Superintendent of Police,
Chengalpattu District.

2. The Deputy Inspector General of Police,
Kancheepuram Range, Kancheepuram.

3. The Inspector General of Police
North Zone, Chennai 16

4. Thiru.V.V. Sai Praneeth, IPS
Superintendent of Police Cum Enquiry Officer,
Chengalpattu District. ...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records of the first respondent in connection with the impugned order passed by him in Na.Ka.No.198/SP-CPT/Camp/2024 dated 13.09.2024 and quash the same in so far as quashing of the oral enquiry conducted on 18.09.2024 and direct the respondents 2 and 3 to change the enquiry



W.P.No.30492 of 2024

officer and further direct the second and third respondents to furnish copies of the documents mentioned in annexure 3 & 4 to the charge memo in commensurate with the principles of natural justice and thereafter proceed with the oral enquiry in accordance with law and conclude the same within a reasonable time and grant such other further relief and pass orders.

For Petitioner : Mr.K. Venkataramani, Sr.Advocate

Assisted by Mr.S.Sarath Kumar

For Respondents 1-3: Mr. Stalin Abhimanyu
Additional Government Pleader

For Respondent-4 : Mr.Abishek Murthy,
Government Advocate

ORDER

This petition is filed seeking to issue a Writ of Certiorarified Mandamus calling for the records of the first respondent in connection with the impugned order passed by him in Na.Ka.No.198/SP-CPT/Camp/2024 dated 13.09.2024 and quash the same in so far as quashing of the oral enquiry conducted on 18.09.2024 and direct the respondents 2 and 3 to change the enquiry officer and further direct the second and third respondents to furnish copies of the documents mentioned in annexure 3 & 4 to the charge memo in commensurate with the principles of natural justice and thereafter proceed with the oral



W.P.No.30492 of 2024

enquiry in accordance with law and conclude the same within a reasonable time and grant such other further relief and pass orders.

2. The facts of the case is that the petitioner who is a Inspector of Police, Madurantakam Police Station was dealt with a charge under Section 3 (b) of TNPSS (D&A) Rules, 1955 in PR No.25/2024 on 03.08.2024 for not filing F.I.R against the accused person and released him from the custody. The further case of the petitioner is that inspite of the request made to the second respondent on 21.08.2024 to furnish copies of the charge memo the same was not furnished to him. When this being the case to his shock and surprise the first respondent issued another charge memo on 13.09.2024 stating that an enquiry officer was appointed to conduct an oral enquiry and a direction was issued to the petitioner to appear for the enquiry on 18.09.2024 at 11.00 a.m. The sum and substance of the case is that as the petitioner was not provided with the concerned documents he was unable to cross examine the witness. However, the first respondent conducted the disciplinary proceedings on 18.09.2024 against the principles of natural justice. Aggrieved over the said act of the first respondent the petitioner has filed this writ petition to



W.P.No.30492 of 2024

quash the impugned order passed by the first respondent in Na.Ka.No.198/SP-CPT/Camp/2024 dated 13.09.2024 and the disciplinary proceeding conducted on 18.09.2024.

3. The learned counsel for the petitioner submitted that when the petitioner refused to cross examine the witness due to the reason that the copies were not furnished to him, the enquiry officer forced the petitioner to cross examine the witness. It is pertinent to note that the enquiry officer threatened the petitioner with dire consequences and obtained signature in the documents. He further submitted the act of the respondent in non furnishing the documents is total violation of principles of natural justice. Hence, prays to allow this petition.

4. Per contra the learned Additional Government Pleader appearing for the respondents filed a counter affidavit, wherein it was stated that the core contention of the petitioner is that the appointment of enquiry officer was not communicated to him and further there is no prior intimation about the name of the witness proposed to be examined on 18.09.2024 . But the fact remains the petitioner himself admitted in the



W.P.No.30492 of 2024

affidavit that he came to know about the appointment of enquiry officer on 13.09.2024. He further submitted that the name of the proposed witness to be examined was already communicated to the petitioner. It is pertinent to note that the oral enquiry held on 18.09.2024 was proceeded in a proper manner and the enquiry officer is also proceeding the case perfectly. Hence, there is no violation and prays to dismiss this petition.

5. Heard both sides and perused the materials available on record.

6. On a perusal of records it is seen that the core contention of the petitioner is that the appointment of enquiry officer was not communicated to him and further there is no prior intimation about the name of the witness proposed to be examined on 18.09.2024. When things stood as that Government Advocate appearing for the respondents submitted that they have furnished all the documents to the petitioner and the same was admitted by the petitioner in the affidavit and with regard to the witness proposed to be examined have also intimated to the petitioner. The further case of the petitioner is that he has sought for the change of enquiry officer.



W.P.No.30492 of 2024

WEB COPY

7. In view of the above facts, this Court directs the third respondent/The Inspector General of Police can get the details from the enquiry officer with regard to the enquiry process and can permit the enquiry officer to proceed the case. In case, if the third respondent/The Inspector General of Police is not satisfied with the action of the enquiry officer, any other officer can be appointed and the same should be intimated to the petitioner. However, the respondents are directed to complete the enquiry or or before 28.02.2025.

8. With the above observations this writ petition stands disposed of. No order as to costs. Consequently, the connected miscellaneous petitions are closed.

19.12.2024

Index:Yes/No

Speaking order/Non-speaking order
smn



W.P.No.30492 of 2024

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V.BHAVANI SUBBAROYAN,J.

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