



W.P(MD)No.3683 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.02.2024

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P(MD)No.3683 of 2024

P.Sekar

... Petitioner

Vs.

**1.The Secretary to Government,
Revenue and Disaster Management Department,
Secretariat,
Chennai-600 009.**

**2.The Commissioner of Revenue Administration,
Ezhilagam,
Chepauk, Chennai-600 005.**

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the first respondent i.e., the Secretary to Government, Revenue and Disaster Management Department, Chennai to serve the copy of the enquiry report to the petitioner without further loss of time and dispose off the disciplinary action initiated in Memo.No.Ser.2(4)/23894/2014, dated 08.12.2014 by the Additional Chief Secretary/Commissioner of Revenue Administration, Chennai on merits, within a specified time frame that may be stipulated by this Court.



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For Petitioner : Mr.S.Visvalingam

For Respondents : Mr.C.Baskaran
Government Advocate

ORDER

The present writ petition has been filed seeking direction to the first respondent i.e., the Secretary to Government, Revenue and Disaster Management Department, Chennai to serve the copy of the enquiry report to the petitioner without further loss of time and dispose off the disciplinary action initiated in Memo.No.Ser.2(4)/23894/2014, dated 08.12.2014 by the Additional Chief Secretary/Commissioner of Revenue Administration, Chennai on merits, within a specified time frame that may be stipulated by this Court.

2. By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

3. The petitioner lastly served as District Backward Class and Minority Welfare Officer, Thoothukudi. He attained the age of superannuation on 30.06.2018. However, he was not allowed to retire pending a disciplinary proceeding as against him. The disciplinary proceeding was initiated against



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him by the Additional Chief Secretary / Commissioner of Revenue Administration vide memo, dated 08.12.2014. Hence, he was not allowed to retire and placed under suspension as per G.O.2D.No.239 Revenue and Disaster Management Department, dated 29.06.2018. However, the process with respect to the disciplinary action was completed by conducting an enquiry on 04.06.2018. However, the copy of the enquiry report is not furnished to the petitioner. Hence, this writ petition came to be filed.

4. It is needless to state that whenever a disciplinary proceeding has been initiated by the employer as against the employee, on completion of the departmental enquiry, it is the obligation on the part of the employer to furnish the copy of the enquiry report to the delinquent employee and seek appropriate explanation from the delinquent concerned. In the absence of the said exercise, it would amount to violation of principles of natural justice. Despite passing 2 years, in the instant case, the copy of the enquiry report is not furnished to the petitioner and such exercise is not encouragable.



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5. In view of the same, this Court hereby directs the 1st respondent to issue a copy of the enquiry report, dated 04.06.2018 to the petitioner within a period of two (2) weeks from the date of receipt of copy of this order.

6. With the above said observations, this Writ Petition stands allowed.

No costs.

19.02.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes

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To

1.The Secretary to Government,
Revenue and Disaster Management Department,
Secretariat,
Chennai-600 009.

2.The Commissioner of Revenue Administration,
Ezhilagam,
Chepauk, Chennai-600 005.



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L.VICTORIA GOWRI, J.

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