



W.P.(MD)No.15491 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.07.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD)No.15491 of 2024 &
W.M.P.(MD)Nos.13541 & 13542 & of 2024

1.Sitharthan
2.Sankar Raja Pandian
3.Sasikumar
4.Prasath

... Petitioners

VS.

1.The Deputy Inspector General of Police,
Office of the Deputy Inspector General of Police,
Trichirappalli Range, Trichy.

2.The Deputy Superintendent of Police,
Prohibition and Excise Wing (PEW)
Trichy District (Enquiry Officer)

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order passed by the first respondent in Na.Ka.No.81/6014/2023 dated 30.05.2024 and quash the same as illegal and consequently direct the first respondent to appoint some other enquiry officer.



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For Petitioners : Mr.B.Jameel Arasu
For Respondents : Mr.J.Ashok
Additional Government Pleader

ORDER

Heard Mr.B.Jameel Arasu, learned counsel appearing for the petitioner and Mr.J.Ashok, learned Additional Government Pleader appearing for the respondents.

2. The petitioner has filed this writ petition seeking to quash the impugned order passed by the first respondent in Na.Ka.No.81/6014/2023 dated 30.05.2024, which rejected the petitioners' request for appointing new enquiry officer and consequently direct the first respondent to appoint some other enquiry officer.

3. Mr.B.Jameel Arasu, learned counsel appearing for the petitioners submitted that the enquiry officer who has been appointed now is biased and does not conduct enquiry in a fair and proper manner.



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4. The request given by the petitioners for change of enquiry officer in 18 pages would go to show that what amount of pressure the enquiry officer might face, if at all such kinds of statements are made against him. The request for change of enquiry officer is also given with the additional statement making various allegations running through pages. When the petitioners' expect a fair enquiry, it is obligatory on their part that their conduct should not be intimidating to the enquiry officer.

5. Mr.J.Ashok, learned Additional Government Pleader appearing for the respondents submitted that the petitioners had filed this writ petition just to delay the proceedings as the charges framed against them are serious in nature and it involves sexual harassment to a minor girl victim. There is difference between the sensitivity in which the enquiry officer conducts the enquiry proceedings and showing bias in the enquiry proceedings. The kind of allegations that have been made against the petitioners would require the enquiry officer to be sensitive in view of the fact that the charges are serious in nature.



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6. When the statement of witnesses ought to have been recorded with due care and caution, similar care should also be taken in view of the impact that might cause upon the life of the delinquents who are facing serious charges. At the same time, the delinquents cannot device a way of escape by delaying the proceedings and by putting the enquiry officer into task during each and every stage of the enquiry proceedings. Though the petitioners have given several pages request for change of enquiry officer, this Court does not incline to go into the merits of the same now. However, in order to ensure confidence in the minds of the petitioners, I feel that the first respondent can consider to appoint some other enquiry officer without prejudice to the pending disciplinary proceedings. It would only mean the continuance of the disciplinary proceedings from the stage where the earlier enquiry officer has left and not a *de nova* enquiry from the beginning once again.

7. In the light of the above observations, the writ petition is **disposed of** and the first respondent is directed to appoint some other enquiry officer for continuing the disciplinary proceedings. It is made



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clear that the petitioner shall co-operate for the enquiry proceedings. No costs. Consequently, connected Miscellaneous Petitions are closed.

11.07.2024

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NCC: Yes/No

Index : Yes/No

Speaking/Non-Speaking order

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To

- 1.The Deputy Inspector General of Police,
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- 2.The Deputy Superintendent of Police,
Prohibition and Excise Wing (PEW)
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R.N.MANJULA, J.

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