



W.P.(MD)No.15724 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 12.07.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

**W.P.(MD)No.15724 of 2024
and
WMP(MD)Nos.13698 &13699 of 2024**

G.Meenakshi Natha Pillai

.. Petitioner

Vs.

1. South Zone Cultural Centre,,
Thanjavur, Rep. by its Director,
"Dakshini",
Medical College Road,
Thanjavur - 613 004.

2. Col.Raghunathan.R (Retired),
Enquiry Officer of SZCC,
No.5-257/1, North Kadavarayar Street,
Kallar Pasupathikoil,
Thanjavur-614 206.

3. M.Mariappan,
Presenting Officer,
South Zone Cultural Centre,
Thanjavur-613 004.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records relating to the order



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F.No.SZCC/I/16/2/2023-24/Estt. dated 05.07.2024 passed by the 1st respondent and quash the same and consequently direct the 1st and 3rd respondents, to supply the copies of additional documents and records requested in the letter dated 24.02.2024 of the petitioner, as directed in the Enquiry Proceedings dated 04.07.2024 of the 2nd respondent Enquiry Officer within a time limit to be fixed by this Court.

For Petitioner : Mr.A.Thirumoorthy

For Respondents : Mr.V.Malaiyendran for R1

: Mr.N.RameshArumugam
Government Advocate
for R2 & R3

ORDER

Heard Mr.A.Thirumoorthy, learned counsel appearing for the petitioner, Mr.V.Malaiyendran, learned counsel appearing for the first respondent and Mr.M.Siddharthan, learned Additional Government Pleader appearing for the respondents 2 & 3.

2. The petitioner has filed this writ petition challenging the order of the 1st respondent dated 05.07.2024 through which the petitioner's request for furnishing copies of certain additional documents have been



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denied stating that those documents are confidential in nature.

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3. The petitioner is facing an enquiry in view of the charges framed against him on certain serious allegations. The learned counsel for the petitioner submitted that those documents which were agreed to be given to the petitioner by the Enquiry Officer through his order dated 04.07.2024 are withhold and hence the proceedings are being conducted without giving fair opportunity to the petitioner.

4. I have perused the order dated 04.07.2024 of the Enquiry Officer. It is seen that the following observation has been made:

"Shri G.Meenakshi Natha Pillai has asked for copies of all the documents that he has inspected for preparing his defense and the presenting officer has expressed his willingness to give the copies as per following details:

- Article I : 144 pages
- Article II: 39 pages
- Article III: 96 pages
- Article IV: 40 pages
- Article V: 27 pages
- Article VI: 32 pages

Daily Order sheet dated 04 July 2024:

I have requested Shri G.Meenakshi Natha Pillai to submit the following by Registered post/mail before 15 July 2024.

(a) List of witnesses that he will need to establish his defense.



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(b) Any other documents that are held by SZCC required for him to prepare his defense and requested him to share the same.

Shri.G.Meenakshi Natha Pillai wanted time to go through the papers given to him today ie., 04 July 2024 and then make list of witnesses etc., and the date of 15 August 2024 was fixed after mutual discussions."

5. However, copies of those documents have not been furnished to the petitioner and the first respondent has passed an order on 05.07.2024 stating that all those documents are confidential in nature and that cannot be furnished to the petitioner. If the documents which were denied to be furnished are the basis for the charges raised against the petitioner, then the petitioner's entitlement to know about the contents of those documents cannot be denied. Even if the first respondent does not provide all the documents sought by the petitioner, it is sufficient to provide atleast those documents which are agreed to be given during the proceedings of the Enquiry Officer dated 04.07.2024.

6. The learned counsel for the first respondent submitted that the petitioner had filed the writ petition just to drag the proceedings and all those documents relied on by the Department had already been furnished



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to him. Next hearing date is fixed on 15.07.2024. But the documents sought by the petitioner agreed to be furnished have not yet been furnished to the petitioner. Hence, the petitioner shall make a request to adjourn the hearing for two more weeks and on receipt of his request, the Enquiry Officer shall give two weeks further time.

7. With the above observation, this Writ petition is **disposed of** and the first respondent shall furnish the copies of the documents mentioned as above in para No.4 to the petitioner within one week from the date of receipt of a copy of this order. Thereafter, the first respondent shall adjourn the matter for two weeks and the petitioner shall co-operate for expeditious completion of the proceedings. No Costs. Consequently, connected miscellaneous petitions are closed.

12.07.2024

Index : Yes / No
NCC : Yes / No
PJJ



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To

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2. M.Mariappan,
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