



W.P(MD)No.20283 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.08.2024

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.20283 of 2024

and

W.M.P(MD)No.17207 of 2024

G.Meenakshi Natha Pillai, B.F.A.,
Senior Programme Co-ordinator revered/convered
as Accounts Unit Officer-I(under suspension),
South Zone Cultural Centre,
Thanjavur – 613 004.

... Petitioner

Vs.

1.South Zone Cultural Centre, Thanjavur,
Rep. by its Director,
“Dakshini”,
Medical College Road,
Thanjavur – 613 004.

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

3.Presenting Officer,
South Zone Cultural Centre,
Thanjavur – 613 004.

... Respondents



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PRAYER: PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of Mandamus, directing the 1st and 3rd respondents to supply the documents requested in the petitioner's letters dated 24.02.2024 (i.e. documents listed in the letters dated 01.01.2024 and 15.02.2024 - Col. 4 and 5 of the Tabulation appended) and 05.07.2024 (Col. 3 and 5 of Tabulation appended) in accordance with the Enquiry Order dated 04.07.2024 passed by the 2nd respondent - Enquiry Officer, within a time limit to be fixed by this Court and grant 15 days time to go through the documents and then conduct the enquiry.

For Petitioner : Mr.A.Thirumoorthy

For Respondents : Mr.K.Govindrajan,
Deputy Solicitor General of India
for Mr.V.Malaiyendran, CGSC for R1

ORDER

The instant writ petition has been filed by a Senior Programme Coordinator, working in the first respondent Cultural Centre, seeking a mandamus as against the respondents 1 and 3 to supply the documents requested by him in letters dated 24.02.2024 and 05.07.2024 in accordance with the enquiry order dated 04.07.2024 passed by the second respondent who is the enquiry officer.

2.Pending writ petition, the petitioner was directed to file an affidavit with regard to the documents which were not furnished to him.



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3.Pursuant to the directions of this Court, the petitioner has filed an affidavit on 29.08.2024 listing various documents that have been supplied and some other documents that have not been supplied to him.

4.The learned Deputy Solicitor General appearing for the first respondent herein relying upon Rules 12 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965 contended that wherein an enquiry officer issues a notice to the department for production of documents in their custody or possession, the same shall be furnished to the enquiry officer. In cases where the State takes the defence of public interest or security of State, it shall inform the enquiring authority accordingly and the enquiring authority shall being so communicating the information to the Government servant and withdraw the requisition made by him for production or discovery of such documents. In view of Rule 12, it is clear that it is for the enquiry officer to decide which of the documents have to be compelled to be produced or to be permitted to be inspected by the delinquent officer.

5.The learned Deputy Solicitor General appearing for the first respondent herein had contended that even though some of the documents cannot be



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furnished to the writ petitioner such as file notes, he will be permitted to inspect the documents at the time of enquiry. The respondent authorities are directed to permit the delinquent officer to inspect the documents before the enquiry, even in case where the enquiring authority recalls the orders for production of the documents. After inspecting the documents, the delinquent officer will be granted a weeks time to frame of his defence.

6.In view of the above said facts, some of the documents have already been furnished to the writ petitioner and furnishing of copies of the rest of the documents will be depending upon the order to be passed by the enquiry authority.

7.With the above said observations, this writ petition stands disposed of.
No costs. Consequently, connected miscellaneous petition is also closed.

30.08.2024

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



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R.VIJAYAKUMAR, J.

RJR

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