



W.P(MD)No.25611 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.10.2024

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THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.P(MD)No.25611 of 2022

and

W.M.P(MD)No.19698 of 2022

T.Geetharani

... Petitioner

Vs.

1.The Regional Joint Director
(Employment & Training),
Government ITI Complex,
Azhagar Kovil Main Road,
Moontrumavadi,
K.Pudur,
Madurai-625 002.

2.The Principal,
Government Industrial Training Institute,
Natham Road,
Kullanampatti,
Dindigul-624 003.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling records of first respondent herein pertaining to the Charge Memorandum No.ந.க.எண்: 867/உ/2020, dated 20.07.2022 and quash it as illegal and pass such further or other orders as this Court.



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For Petitioner : Mr.K.K.Samy

For Respondents : Mr.J.K.Jeyaseelan
Government Advocate

ORDER

This writ petition has been filed to quash the order, dated 20.07.2022 passed by the first respondent.

2. The case of the petitioner is that the petitioner is the Assistant Training Officer in the Government Industrial Training Institute, Dindigul. She was charged with a charge memorandum, dated 20.07.2022 containing two charges. The first charge is that by misusing her official capacity as Government Employee, she dishonestly deputed her students to one Samiya tailoring for resorting violent action on 13.01.2020. On the other hand, the petitioner filed complaint on 21.10.2019 in the Dindigul North Police Station against the said Samiya tailoring shop and the same is pending for enquiry. No such incidence on 13.01.2020 as stated in the charge memorandum. The second one is that she threatened the Principal and all staffs working in the said ITI that she would file a complaint under SC / ST Atrocities Act and be put in trouble. The said charge



was not substantiated by giving the necessary imputations. The said charge is vague. Therefore, both charges are vague. Hence, he prays to quash the order passed by the first respondent.

3. The learned Counsel appearing for the petitioner submitted that the documents, which were required by the petitioner was not furnished to him that is a reason he could not participate in the enquiry and in support of his contention, he has also do the attention of this Court to the judgment of the Hon'ble Supreme Court of India in the case of State of ***Uttar Pradesh Vs. Saroj Kumar Sinha*** reported in ***2010 (2) SCC 772*** and the relevant portion of the judgment is extracted hereunder for better appreciation and understanding:

"39. The proposition of law that a government employee facing a departmental enquiry is entitled to all the relevant statements, documents and other materials to enable him to have a reasonable opportunity to defend himself in the department enquiry against the charges is too well established to need any further reiteration. Nevertheless given the facts of this case we may re-emphasise the law as stated by this Court in [State of Punjab vs. Bhagat Ram](#) (1975) 1 SCC 155:

"6. The State contended that the respondent was not entitled to get copies of statements. The reasoning of the State was that the respondent was given the



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opportunity to cross-examine the witnesses and during the cross-examination the respondent would have the opportunity of confronting the witnesses with the statements. It is contended that the synopsis was adequate to acquaint the respondent with the gist of the evidence.

7. The meaning of a reasonable opportunity of showing cause against the action proposed to be taken is that the government servant is afforded a reasonable opportunity to defend himself against charges on which inquiry is held. The government servant should be given an opportunity to deny his guilt and establish his innocence. He can do so when he is told what the charges against him are. He can do so by cross-examining the witnesses produced against him. The object of supplying statements is that the government servant will be able to refer to the previous statements of the witnesses proposed to be examined against the government servant. Unless the statements are given to the government servant he will not be able to have an effective and useful cross-examination.

8. It is unjust and unfair to deny the government servant copies of statements of witnesses examined during investigation and produced at the inquiry in support of the charges levelled against the government servant. A synopsis does not satisfy the requirements of giving the government servant a reasonable opportunity of showing cause against the action proposed to be taken."

4. The learned Government Advocate appearing for the respondents submitted in view of G.O(Ms)No.81, Human Resources Management (N)



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Department, dated 04.08.2022, the delinquent officer is entitled only to peruse the records and to submit his written explanation, for which, 30 days time is granted.

5. Heard the learned Counsel for the petitioner and the learned Government Advocate appearing for the respondents and perused the materials available on record.

6. This Court is not inclined to accept the contention of the learned Government Advocate appearing for the respondents that as per G.O(Ms)No. 81, dated 04.08.2022, the petitioner is not entitled for the copy of the documents, but it is a basic rule that in the disciplinary proceedings, the documents including the copy of the complaint, list of witnesses has to be furnished to the delinquent officer so as to enable him to give explanation. As a result, a fair and proper enquiry can be conducted by the Department.

7. In view of the above judgment of the Hon'ble Supreme Court of India, cited *supra*, this Court is inclined to direct the first respondent to furnish all the documents pertaining to the disciplinary proceedings initiated against the



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petitioner, within a period of six weeks from today [18.10.2024]. The petitioner on receipt of the documents furnished by the Department has to submit her explanation within a period of four weeks thereof. The petitioner is also directed to co-operate with the enquiry proceedings after submitting the explanation on receipt of the documents furnished by the Department. The first respondent is directed to conclude the enquiry within a period of three (3) months from the date of receipt of the explanation submitted by the petitioner.

8. The writ petition stands disposed of with the above observations and directions. There shall be no order as to costs. Consequently, connected Miscellaneous Petition stands closed.

18.10.2024

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



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