



**WP(MD)No.27443 of 2022**

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**WEB COPY**

**DATED : 16.12.2024**

**CORAM:**

**THE HONOURABLE MR.JUSTICE B.PUGALENDHI**

**WP(MD)No.27443 of 2022**

**K.Thaimathavan**

**... Petitioner**

**Vs**

1.The State of Tamil Nadu,  
Represented by its Principal Secretary to Government,  
Textiles Department, Secretariat,  
Chennai -9.

2.The committee of Textiles,  
Office of the Commissioner of Textiles,  
Chennai – 108.

3.The Joint Director of Textiles,  
Office of the Joint Director of Textiles,  
Chennai – 108.

4.The Managing Director,  
The Pudukottai District Co-Operative  
Spinning Mills Ltd TR(H) 97,  
Kundagavayal – Duraiyarasapuram,  
Aranthagi District.

**...Respondents**

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of mandamus calling for the records relating to the impugned order passed by the 4<sup>th</sup> respondent vide his impugned



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order dated 14.11.2022 and quash the same as illegal and consequently to direct the respondents to proceed with the departmental enquiry by providing reasonable opportunity to the petitioner within the time limit that may be stipulated by this Court.

For Petitioner : Mr.M.Mohammed Imran  
For Respondent : Mr.PT.Thiraviyam,  
Nos. 1 to 3 Government Advocate  
For Respondent : Mr.K.Hema Karthikeyan  
No.4

### **ORDER**

The petitioner is a Fitter Assistant in the 4<sup>th</sup> respondent Spinning Mill, which is an undertaking of the Government of Tamil Nadu. He was issued with a show cause notice on 07.04.2022 based on the complaint of another employee dated 06.04.2022. The petitioner has submitted his explanation to the show cause notice on 15.04.2022. Subsequently enquiry officer was appointed. Enquiry commenced on 13.08.2022. The petitioner has participated in the enquiry. He has cross examined some of the witnesses and sought for certain documents during the enquiry conducted on 29.10.2022. According to the petitioner, the documents were not furnished to him. However the learned Counsel for the 4<sup>th</sup> respondent submits that the documents sought for by the petitioner



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had been provided to him. Thereafter enquiry was adjourned to 04.11.2022. On that day the petitioner did not appear and made a request for an adjournment. Since he did not appear for enquiry on 04.11.2022, he was set ex-parte and the enquiry officer filed the enquiry report on 11.11.2022. Based on this enquiry report, the 2<sup>nd</sup> show cause notice was issued to the petitioner on 14.11.2022 and the same is challenged in this writ petition.

2.This Court has entertained this writ petition on 02.12.2022 and granted an order of interim stay. However the respondents have proceeded with the explanation offered by this petitioner on 19.11.2022 to the impugned show cause notice and passed an order of dismissal on 05.12.2022. Admittedly this order of dismissal was passed on 05.12.2022, after the interim order of this Court dated 02.12.2022.

3.It appears that enquiry has been conducted nearly on ten hearings and except on a few hearings, the petitioner has appeared in all other hearings and cross examined the witnesses. While so, without providing an opportunity on 04.11.2022, the enquiry officer proceeded to set the



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petitioner ex-parte and submitted the enquiry report, based on this report, the impugned 2<sup>nd</sup> show cause notice was issued.

4. This Court considering the manner in which the enquiry has been conducted, is inclined to set aside the impugned show cause notice dated 14.11.2022 and the subsequent order of dismissal, dated 05.12.2022 and accordingly they are set aside. The respondents are permitted to proceed with the enquiry as on 29.10.2022. If the documents sought for by the petitioner are relevant, the same shall be provided to him. The petitioner shall co-operate for conclusion of the enquiry without taking further adjournment.

5. This writ petition is disposed of in the above terms. No costs. Consequently connected miscellaneous petition is closed.

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DSK



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**B.PUGALENDHI.J.,**

**DSK**

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