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IIN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:03.03.2025

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P.No.4842 of 2025

and

W.M.P.Nos.5364 and 5365 of 2025

S.Latha(F/59 years)
W/o late Muthuswamy
Formerly Assistant
Now serving as Special Grade Junior Assistant
T.N.Institute of Labour Studies
Ambattur, Chennai-98.

.. Petitioner

/versus/

1.The Director,
T.N. Institute of Labour Studies
Ambattur, Chennai 98

2.The Enquiry Officer/Assistant Professor,
T.N. Institute of Labour Studies
Ambattur, Chennai 98

3.Thiru.Ganesan,
Enquiry Officer/Assistant Professor,
T.N. Institute of Labour Studies
Ambattur, Chennai-98.

.. Respondents



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Writ Petition has been filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records of the 1st respondent in connection with the impugned order passed by him in E/1150/2024 dt. 27.01.2025 and as well as the Enquiry Officer's Report in Copy No.D1/Special/2025 dated 21.01.2025 certified by the 2nd and 3rd respondents and quash the same and direct the 1st respondent to appoint another Enquiry Officer to conduct a fresh oral enquiry against the petitioner in accordance with the principles of natural justice within a reasonable time.

For Petitioner :Mr.K.Venkatramani, Senior Counsel for
Mr.M.Muthappan

For Respondents :Mr.A.Muthukumar for R1
Mrs.P.Vijaya Devi, GA for R2

ORDER

This Writ Petition has been filed in the nature of a Writ of Certiorarified Mandamus to call for the records of the 1st respondent in connection with the impugned order passed in E/1150/2024 dt. 27.01.2025 and as well as the Enquiry Officer's Report in Copy No.D1/Special/2025



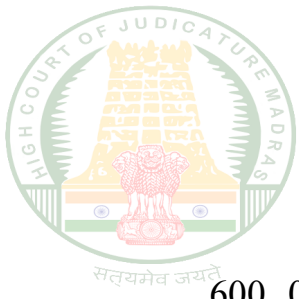
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dated 21.01.2025 certified by the 2nd and 3rd respondents and quash the same and direct the 1st respondent to appoint another Enquiry Officer to conduct a fresh oral enquiry against the petitioner in accordance with the principles of natural justice within a reasonable time.

2. Heard the learned Senior Counsel appearing for the petitioner and the learned Government Advocate appearing for the 2nd respondent and perused the records.

3. In view of the nature of the order being passed, this Court is extremely cautious in examining the various grounds raised questioning the report of the enquiry officer.

4. The learned counsel for the 1st respondent was enquired whether any other enquiry officer could be appointed. A list containing three names of officers has been placed before this Court. Mrs.V.Bharani, Assistant Inspector of Labour (Rtd. O/o Commissioner of Labour, Tenampet, Chennai



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600 006) is appointed as the enquiry officer to continue the enquiry proceedings.

5. The learned Senior counsel appearing on behalf of the petitioner stated that a few witnesses have already been examined in the absence of the petitioner. The petitioner has made a representation. The Enquiry Officer now appointed should examine the records and decide whether to continue the enquiry at the stage where it was, or to commence the enquiry afresh. It is needless to point out that there is an obligation on the part of the petitioner to also effectively participate in the enquiry proceedings and ensure that the same is brought to its logical conclusion.

6. It is contended that the petitioner is to attain the age of superannuation on 30.04.2025. Therefore, it is all the more expedite that the petitioner participates in the enquiry proceedings and the enquiry officer conducts the enquiry in the manner known to law. No further directions are required to be issued in this regard.



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7. With the above observations and directions, this Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

03.03.2025

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Index:yes/no

Speaking order/non speaking orde

To:

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Ambattur, Chennai 98

2.The Enquiry Officer/Assistant Professor,
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3.Thiru.Ganesan,
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C.V.KARTHIKEYAN, J.

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