



WEB COPY



1

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.03.2025

CORAM

THE HON'BLE MR. JUSTICE **C.V.KARTHIKEYAN**

W.P.No.5903 of 2025
and
W.M.P.No.6485 of 2025

S.Aravindan

.. Petitioner

Vs.

1.The Chief Engineer (AE),
Agricultural Engineering Department,
Nandanam, Chennai – 35.

2.The Enquiry Officer / Superintending Engineer (AE),
Madurai Zone, Madurai.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned enquiry summon No.U/5773/2024(2) dated 12.02.2025 issued by the 2nd respondent and to quash the same and consequently, direct the 2nd respondent to hold the enquiry proceedings till furnish the documents which was sought by the petitioner.



WEB COPY



For Petitioner .. Mr.P.Vijendran

For Respondents .. Mr.S.Yashwanth, AGP

ORDER

The Writ Petition has been filed in the nature of a Certiorarified Mandamus seeking records relating to Enquiry Summon No.U/5773/2024(2) dated 12.02.2025 issued by the 2nd respondent and to quash the same and consequently, to direct the 2nd respondent to hold the enquiry proceedings till furnishing the documents to the petitioner.

2.Even before proceeding further, it must be stated that this particular summon, which has impugned in the present writ petition is not the first summon issued for enquiry, but the fifth summon issued for the enquiry. As a matter of fact, after this particular summon, another summon was issued on 24.02.2025 and could not be served, since the doors of the petitioner's house had been locked. The petitioner in one way or the other has been avoiding to appear for the enquiry, which had been instituted against him. Let me also point out that, this particular had also been monitored by the Division Bench of this Court. The writ petitioner had filed C.M.P.Nos.1914 and 1919 of 2025 in W.A.No.2959 of 2025 before the Division Bench and by an order dated 14.02.2025, the Division Bench had ordered as follows:



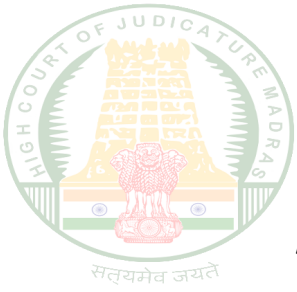
WEB COPY



“We find that both these Civil Miscellaneous Petitions are mis-conceived. Earlier the appellant had filed the Writ Petition challenging the order dated 25.03.2024 suspending him mainly on the ground that the order of suspension was passed on the eve of retirement. The said Writ Petition was dismissed by the writ Court by order dated 27.03.2024. Aggrieved, the petitioner preferred an appeal in W.A.No.2959 of 2024. The appellate Bench had directed completion of the disciplinary enquiry within a period of three (3) months from the date of receipt of a copy of the order. This order in the Writ Appeal was passed on 02.12.2024. Admittedly the three months period is not yet over. It is for the Authority to complete the enquiry within the said period, failing which the petitioner will be entitled to seek review of the suspension order as per the order of the Division Bench dated 02.12.2024.

2.In view of the above position, we find that the petition for extension of time filed by the petitioner is unnecessary since the time granted is not yet expired.

3.It is also the complaint of the petitioner that the respondents have not furnished necessary documents to him. We do not think such a complaint can be raised in the miscellaneous petition in a disposed of appeal, challenge in which was to the order of suspension. If there is a failure to produce the documents, it will



be open to the appellant to take advantage of such failure.

WEB COPY

4.Hence, both these applications are dismissed.”

3.It is thus seen that the Division Bench had very clearly stated that the respondents must complete their disciplinary proceedings within a period of three months and had also further stated that if the respondents do not complete the disciplinary proceedings within the said period, the petitioner would be entitled to seek review of the suspension order.

4.But however, the petitioner had not at all co-operated with the enquiry. He had in fact not even answered the summons to appear before the enquiry officer. He had deliberately avoided the enquiry. He had seen to it that the enquiry could not and is not completed within the period of 90 days. Various grounds had been raised that documents had not been served on him. But that is contrary to the facts and the records.

5.An additional affidavit had been filed before this Court and it is contended by the learned counsel for the petitioner that two documents had not been served namely, (i) 2017 – 2018 and 2018 – 2019 work inspection



report of the Superintendent Engineer, Thanjavur and Executive Engineer, Nagapattinam and (ii) 2017 – 2018 and 2018 – 2019 files which are available in the system about SMAM Plan.

6.A counter affidavit had been filed on behalf of the respondents, wherein with respect to first document mentioned above, the respondents have very fairly stated that the said inspection, a report of which is sought by the petitioner was not conducted by the then Executive Engineer (AE), Nagapattinam, Mr.A.A.Chellakkan Gnanaselan who officiated from 28.04.2017 to 23.11.2020. The Executive Engineer (AE) who conducted the enquiry is also one of the co-delinquent officers along with the petitioner and who had also been placed under suspension for the same set of charges.

7.It is thus very evidently clear that all the three co-delinquents are playing a game unitedly to ensure that the Disciplinary Proceedings is not completed within the time stipulated by the Division Bench.

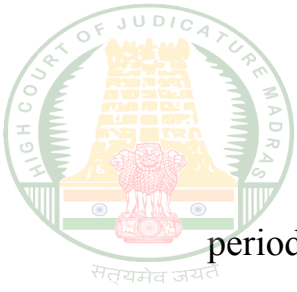
8.This Writ Petition should not have been filed before this Court at all. If ever there is a complaint that documents had not been furnished, they



could have raised that issue before the Division Bench. The particular inspection report had been prepared by one the co-delinquent who is hand in glove with the petitioner and is facing disciplinary proceedings along with the petitioner and who had also been suspended along with the petitioner. Therefore, I hold that the respondents had given a plausible reason about that particular document.

9. With respect to the second document, it had been stated that this particular document is available in the office computer and runs to 992 pages and had been provided to the petitioner by letter dated 27.02.2025. It had been stated that the petitioner had also acknowledged receipt. Having acknowledged receipt and having received the copy of those documents on 27.02.2025, the petitioner had come before this Court filing an additional affidavit on 13.03.2025 complaining non-furnishing of the said document.

10. The additional affidavit filed by the petitioner therefore contains false statements to the knowledge of the petitioner. The petitioner is only engaged in somehow or the other protracting the disciplinary proceedings. The disciplinary proceedings have been directed to be completed within a



period of 90 days by the Division Bench. The Division Bench had very categorically observed that if documents are not furnished, the petitioner can take that to his advantage. Therefore, the petitioner cannot come to Court again and again complaining about non-furnishing of documents and avoid appearing before the enquiry officer.

11.Of course he has a choice, he need not appear for enquiry and submit himself to the enquiry proceedings. He can sit at home and have his food and sleep at his house, but if he is interested in ensuring that his name is cleared on the charges which had been levelled against him, it would be to his advantage that he appears for the enquiry. It would also be a reason for him not to appear if he has no defence. But the enquiry must proceed. It must proceed further. The respondents must proceed further with the enquiry in accordance with the directions of the Division Bench and aim to complete the same within the period as directed.

12.With the above observations, this Writ Petition stands dismissed. No costs. Consequently, connected Writ Miscellaneous Petition is closed.



WEB COPY

18.03.2025

smv

Index: Yes/No

Internet: Yes/No

To

1. The Chief Engineer (AE),
Agricultural Engineering Department,
Nandanam, Chennai – 35.
2. The Enquiry Officer / Superintending Engineer (AE),
Madurai Zone, Madurai.

C.V.KARTHIKEYAN,J.

smv



WEB COPY



W.P.No.5903 of 2025

18.03.2025