



WEB COPY



W.P.No.13821 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.09.2025

CORAM :

THE HONOURABLE MR.JUSTICE **A.D.JAGADISH CHANDIRA**

W.P.No.13821 of 2025
and
WMP.Nos.15526 & 27701 of 2025

S.Jerald Arokiya Santhanam

...Petitioner

Vs.

1. Tamil Nadu Handloom Weavers' Co-operative Society Limited,
No.350, Pantheon Road, Egmore, Chennai – 600 008.
Rep. by the Managing Director.
2. Tamil Nadu Handloom Weavers' Co-operative Society Limited,
No.350, Pantheon Road, Egmore, Chennai – 600 008.
Rep. by Senior Regional Manager and Presenting Officer.
3. K.Elango,
Advocate, Inquiry Officer,
No.46, Plot No.820, Jeevanantham Salai,
KK Nagar, Chennai – 600 078.

...Respondents

Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Mandamus, directing the 1st respondent to permit the petitioner to engage an advocate to defend his case in the inquiry for the charges levelled against him dated 02.03.2022 and 11.03.2022.

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For Petitioner : Mr.R.Malaichamy

For Respondents : Mr.V.Srikanth, for R1 & R2
: Mr.K.Elangoo, for R3

ORDER

The present Writ petition has been filed seeking direction to the 1st respondent to permit the petitioner to engage an advocate to defend his case in the enquiry for the charges levelled against him, vide charge memos dated 02.03.2022 and 11.03.2022.

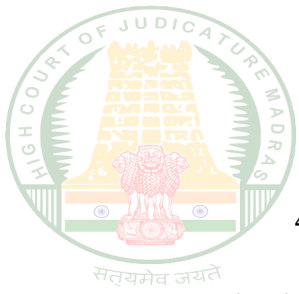
2. The case of the petitioner is that he was placed under suspension on 03.01.2022 while he was working as a Manager, Grade-II at Secretariat showroom and subsequently, a charge memo came to issued on 02.03.2022, framing two charges against the petitioner and the 2nd respondent has also issued an additional charge memo dated 11.03.2022 framing nine charges. However, both the above said charge memos did not contain the list of documents and witnesses. Thereafter, the petitioner was removed from service, by order dated 25.06.2024, without conducting any enquiry. Aggrieved by the same, the petitioner filed W.P.No.19724 of 2024 and



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pursuant to the order of this Court dated 23.07.2024 directing to conduct fresh enquiry within a period of two weeks. However, only after the expiry of the time granted by this Court to conduct enquiry, the Inquiry officer directed the petitioner to attend the enquiry on 22.03.2025. Since the Inquiry officer is an Advocate, the petitioner made a representation before the 1st respondent on 20.03.2025, seeking to permit him to engage an advocate to defend his case in the enquiry proceedings, which request of the petitioner was not considered by the 1st respondent and on 22.03.2025, during enquiry, when the petitioner made a request to engage an advocate to defend his case, the same was denied by the Presenting officer. Hence, this Writ petition.

3. Learned counsel for the petitioner submitted that, the petitioner had sought for permission to be represented by an Advocate before the enquiry officer/the 3rd respondent. However, the said request has been rejected by the 3rd respondent, which is not sustainable and the same is contrary to various decisions of this Court in similar cases, wherein this Court had granted permission to engage Advocate during enquiry to provide legal assistance. Accordingly, he prayed for appropriate orders.



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4. Learned counsel appearing on behalf of the 1st and 2nd respondents submitted that, in the event of petitioner being permitted to be represented by a counsel, the 1st and 2nd respondents shall also be permitted to be represented by a counsel.

5. In view of the aforesaid submissions, this Court without going into the merits of the case, directs the 3rd respondent to permit the petitioner to engage an advocate to defence his case in the enquiry and at the same time, the 1st and 2nd respondents shall also be permitted to be represented by a counsel. The 3rd respondent shall complete the enquiry as expeditiously as possible, after affording opportunity of hearing to the parties.

6. Accordingly, this Writ Petition stands disposed of. No costs. Consequently, the connected Miscellaneous petitions are closed.

09.09.2025

skt

NCC : Yes/No
Index : Yes/No
Speaking Order : Yes/No

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To:

1. The Managing Director,
Tamil Nadu Handloom Weavers Co-Operative Society Limited,
No.50, Pantheon Road,
Egmore, Chennai – 600 008.
2. The Senior Regional Manager and Presenting Officer,
Tamil Nadu Handloom Weavers Co-Operative Society Limited,
No.350, Pantheon Road,
Egmore, Chennai – 600 008.



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