



W.P.No.32721 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.02.2025

CORAM:

THE HONOURABLE **MRS. JUSTICE V.BHAVANI SUBBAROYAN**

W.P.No.32721 of 2023

M. Sivagnanam

.. Petitioner

Versus

1.The Secretary to the
Government of Tamil Nadu,
Department of Tourism, Culture,
Religious Endowment Department,
Secretariat, Fort St. George, Chennai 600 009.

2. The Commissioner,
Hindu Religious & Charitable Endowments
Department,
No.119, Uthamar Gandhi Salai,
Nungambakkam,
Chennai – 600 034.

...Respondents

Prayer: This petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the first respondent to conduct fresh enquiry and dispose petitioner's review application dated 12.01.2023 filed under Section 114 A of the HR&CE Act and reinstate the petitioner in service and pass orders.



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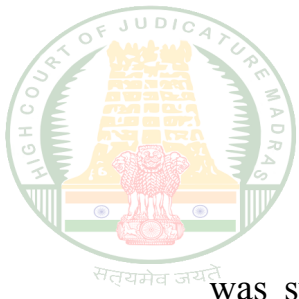
For Petitioner
For Respondents

: Mr.P.Arun Kumar
: Mr.Karthikeyan,
Government Advocate

ORDER

This petition is filed to issue a Writ of Mandamus directing the first respondent to conduct fresh enquiry and dispose petitioner's review application dated 12.01.2023 filed under Section 114 A of the HR&CE Act and reinstate the petitioner in service and pass orders.

2.The facts of the case is that the petitioner worked as a Inspector in Thittakudi Division, Cuddalore District and he was issued with a charge memo. Thereafter, one Latha/Assistant Commissioner was appointed as enquiry officer to conduct enquiry. The grievance of the petitioner is that due to vengeance the enquiry officer conducted the enquiry without hearing the petitioner and framed the charges. It is pertinent to note that the petitioner without conducting proper hearing has submitted the enquiry report to the second respondent. Based on the enquiry report the second respondent passed an order on Se.Mu.Na.Ka.No.13699/15/B2/dated 26.07.2019, wherein, the petitioner



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was suspended from the services. Challenging the same the petitioner preferred an appeal before the first respondent, who confirmed the order passed by the first respondent. Aggrieved over the same the petitioner made a Review Application before the first respondent on 12.01.2023 to conduct re-enquiry on the charges and to re-instate into service and the same was pending till date, which has given rise to this petition.

3. The learned counsel for the petitioner submitted that the suspension order passed by the second respondent is an ex-parte order as the respondent has not provided an opportunity of hearing to the petitioner. He further submitted that it would be suffice if this Court issues a direction to the first respondent to dispose of the Review Application filed by the petitioner and pass orders. **He further submitted that they have inadvertently stated in the affidavit that revision application is pending, whereas the correct one is review application and the same may be corrected by this Court.**



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4. The learned Government Advocate appearing for the respondents submitted that the petitioner was called for an enquiry on 29.06.2015, 13.07.2015, 24.08.2015, 14.09.2015, 12.10.2015 and 05.11.2015. On 13.07.2015 when the petitioner was called for an enquiry he sought for certain documents and the same was sent to him through registered post on 24.08.2015, but the petitioner has not acknowledged the same. It is pertinent to note that when the petitioner appeared on 24.08.2015 he has sought one month time and the same was granted to him. Likewise the petitioner dragged the enquiry process till 05.11.2015 and not co-operated with the enquiry. Further he failed to submit his explanation. Hence, the second respondent passed the suspension order on 26.07.2019. Challenging the same the petitioner preferred an appeal before the first respondent on 15.10.2019, who confirmed the order passed by the second respondent. Aggrieved over the same the petitioner made an Review Application before the first respondent on 12.01.2023 to conduct re-enquiry on the charges and to re-instate into service.

5. The learned Government Advocate contended that inspite of the sufficient opportunity given to the petitioner and he was also provided



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with all necessary documents as sought by him, he does not turn up and co-operated with the enquiry. Hence, prays to dismiss this petition.

6. I have given anxious consideration to either side submission and perused the materials available on record.

7. Considering the facts and circumstances of the case, this Court this Court without expressing any opinion on the merits of the case directs the first respondent to dispose the Review Application filed by the petitioner on 12.01.2023 after conducting an enquiry by affording reasonable opportunity of hearing to the petitioner as well as the concerned parties and pass orders within a period of twelve weeks from the date of receipt of a copy of this Order.

8. With the aforesaid direction, this Writ Petition stands disposed of. No costs.

25.02.2025

Speaking order : Yes/No
Neutral citation : Yes/No
Index : Yes/No
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V.BHAVANI SUBBAROYAN, J.

smn

To

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Government of Tamil Nadu,
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