IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.06.2015

CORAM:

THE HONOURABLE MR. JUSTICE D.HARIPARANTHAMAN

Writ Petition No.17119 of 2015

S.Rajendran ... Petitioner

vs.

1.The Managing Director
Tamil Nadu Minerals Ltd., (TAMIN)
Chepuak, Chennai - 600 005.

2.The Board of Directors,
Tamil Nadu Minerals LTd., (TAMIN)
Chepauk, Chennai - 600 005. ... Respondents

Petition filed under Article 226 of the Constitution of India for the issuance of writ of certiorari, calling for the records relating to the proceedings of the 2nd respondent dated 15.04.2015 made in Rc.No.7945/E1/2011-1 confirming the order of the first respondent dated 04.03.2013 made in Se.Mu.Aa.NO.7945/E1/11-1 quash the same.

For Petitioner : Mr.K.Rajasekaran

For Respondents : Ms.M.E.Raniselvam
Additional Govt. Pleader

O R D E R

The petitioner is working as a Divisional Manager. While so, the first respondent, by an order dated 04.03.2013 reverted him to the post of Project Officer for a period of four years. As against the said order, the petitioner preferred an appeal on 04.05.2013 before the second respondent. His appeal was rejected by the impugned order dated 15.04.2015. The petitioner has filed this writ petition to quash the aforesaid order dated 15.04.2015 on the ground that the same is a non-speaking order.

2. The impugned order dated 15.04.2015 passed by the Appellate Authority is extracted hereunder:-

> "The Appeal preferred by Thiru S.Rajendran, Project Officer, presently working at Sivaganga Division in the reference 2nd cited, against the punishment awarded to him in the proceedings 1st cited was placed before the Board of Directors of TAMIN during the meeting held on 24.03.2015.
> 2. In the above meeting the Board has discussed, the appeal of Thiru. S.Rajendran, Project Officer, Sivaganga against the orders of punishment issued to

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him in details and decided that there is no need to interfere with the order of the Managing Director and confirmed the same."

3. The impugned order, on the face of it, is a non-speaking order. No reason is given for rejecting the appeal. It is stated that the Board discussed the matter in detail. In my view, the same is not sufficient to reject the appeal and some reason has to be assigned.

4. It is well-settled in a catena of decisions of the Apex Court that even in administrative decisions resulting in adverse civil consequences, the person should be heard. The Apex Court in Kranti Associates Pvt. Ltd. and Another V. Sh.Masood Ahmed Khan and Others, reported in (2010) 9 SCC 496 held that the judicial trend has always been to record reasons, even in administrative decisions, if such decisions affect anyone prejudicially and has formulated certain principles in paragraph 47 of its judgment, and the relevant portion is extracted hereunder :

> "47. Summarizing the above discussion, this Court holds:
>
> a. In India the judicial trend has always been to record reasons, even in administrative decisions, if such decisions affect anyone prejudicially. ..... "

5. In view of the above, the order dated 15.04.2015 is set aside and the matter is remitted back to the second respondent, which shall consider the matter afresh and pass a speaking order, within a period of six weeks from the date of receipt of a copy of this order. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

svki

To

1.The Managing Director
Tamil Nadu Minerals Ltd., (TAMIN)
Chepuak, Chennai - 600 005.

2.The Board of Directors,
Tamil Nadu Minerals LTd., (TAMIN)
Chepauk, Chennai - 600 005.

+1cc to M/s. K. Rajasekaran, Advocate, S.R.No.30168

RSK(CO)
EU(01/07/2015)

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