

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.08.2015

CORAM

THE HONOURABLE MR. JUSTICE M.M.SUNDRESH

W.P.No.26611 of 2015

and

M.P.No.1 of 2015

Lt.Col.S.Ganesan (Retd.)

... Petitioner

-Vs-

1. Director General of Resettlement,
Ministry of Defence,
West Block IV, RK Puram,
New Delhi - 110 066.

2. The Airport Authority of India (AAI)
rep by its Joint General Manager (Cargo),
Mr.D.Muralidharan,
Air Cargo Complex,
Chennai Airport, Chennai - 600 027.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of certiorari calling for the records relating to the order passed by the 1st Respondent dated 26.06.2015 bearing No. 2112/SA/3125/AP/EMP-1 and quash the same.

For Petitioner : Mr.M.Narayanaswamy

For Respondents : Mr.A.Murugan (R1)

O R D E R

The petitioner has come forward to challenge the show cause notice dated 26.06.2015, which was issued on the basis of a complaint said to have been received against him on the ground that the agency is involved in gold smuggling case. Thus the petitioner was asked to show cause as to why the agency should not be dis-empaneled for the alleged violation of para 26(b) of Government of India, Ministry of Defence, Department of Ex-servicemen Welfare Office memorandum No.28(3)/2012-D(Res-I) dated 09.07.2012 as amended by the subsequent proceedings dated 16.01.2013. The petitioner was asked to give his reply on or before 17.07.2015.

2.The learned counsel for the petitioner submitted that even prior to the show cause notice, an order was passed keeping the petitioner's agency in abeyance. It is also submitted that the petitioner has given a detailed reply, but the final orders are yet to be passed.

3.Mr.A.Murugan, the learned counsel appearing for the respondent no.1 submitted that appropriate final orders will be passed within a reasonable time.

4.What is challenged is only a show cause notice and the respondent no.1 does not have power or authority to issue the same. The earlier action taken in May 2015 is only temporary, pending finalisation. The proposed action of dis-empanelment would be done only after hearing the petitioner. Therefore, the interim action taken keeping the agency in abeyance cannot be construed as dis-empanelment, which action will have to be done only after hearing the petitioner.

5.Accordingly, the Writ Petition is disposed of by directing the respondent no.1 to pass final orders within a period of six weeks from the date of receipt of a copy of this order, after considering the reply given by the petitioner and also after hearing the petitioner. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

va

To

1. Director General of Resettlement,
Ministry of Defence,
West Block IV, RK Puram,
New Delhi - 110 066.

+lcc to Mr.A.Murugan, Advocate, S.R.No.45568
+lcc to Mr.Narayanasamy, Advocate, S.R.No.45777

W.P.No.26611 of 2015
and M.P.No.1 of 2015

CTK(CO)
CA(04/09/2015)