

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 16.04.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

WP.No.11413 of 2009
and M.P.No.1 of 2014

INDIRANI

[PETITIONER]

Vs

1 THE CHAIRMAN
CHENNAI PORT TRUST RAJAJI SALAI CHENNAI-1.

2 THE CHIEF ENGINEER
CHENNAI PORT TRUST RAJAJI SALAI CHENNAI-1.

[RESPONDENTS]

Writ petition filed under Article 226 of the Constitution of India praying for a writ of certiorarified mandamus to call for the records and quash the non speaking order dated 30.10.2008 in proceedings No.AE/12/2454/08/E and to direct the respondent to consider the period of 15.05.2000 to 06.07.2008 for backwages and terminal benefit and other consequential benefits (prayer amended as per order dated 05.11.2009 in M.P.No.1 of 2009)

For Petitioner : Mr.K.S.Suresh

For Respondents : Mr.M.Jegadesan

ORDER

Heard Mr.K.S.Suresh, learned counsel for the petitioner and Mr.M.Jegadesan, learned counsel for the respondents and with their consent, the main writ petition itself is taken up for final disposal.

2. The facts of the case of the petitioner is that she joined the Chennai Port Trust on 01.07.1990 and said to be working as Women Mazdoor. The petitioner is said to have been arrested and convicted in C.C.No.140 of 2000 vide order dated 01.09.2004 and she was dismissed from service vide order dated 15.05.2000. By challenging the conviction, the petitioner filed Criminal Appeal No.1111 of 2004

before this Court and it is stated that this Court set aside the order of conviction on the ground of non compliance of mandatory provisions and on the ground of benefit of doubt. Thereafter, the petitioner requested the respondents to reinstate in service. The respondent vide order dated 26.06.2008, reinstated the petitioner in service from the date of the order. While ordering reinstatement, the petitioner was denied backwages. Therefore, the petitioner submitted a representation to consider and grant backwages. The only grievance of the petitioner is that the respondent has not assigned any reason as to why the petitioner's claim is not maintainable and as to why the backwages should not be granted. Therefore, the petitioner seeks for a speaking order.

3. A perusal of the impugned order of the 2nd respondent dated 30.10.2008, it is clear that it is a non speaking order and no reason has been disclosed as to why the benefit sought for by the petitioner is not agreeable to the 2nd respondent. Hence, on this ground alone, the impugned order is set aside and the writ petition is allowed. The matter is remitted back to the respondents for fresh consideration and to pass a speaking order, as expeditiously as possible, preferably, within a period of three months from the date of receipt of a copy of this order.

No costs. Connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1 THE CHAIRMAN
CHENNAI PORT TRUST RAJAJI SALAI CHENNAI-1.

2 THE CHIEF ENGINEER
CHENNAI PORT TRUST RAJAJI SALAI CHENNAI-1.

1 cc to Mr.M.Jagadeesan ,Advocate, SR.No.20777

bvr (co)
pmk.29.4.2015

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