

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.11.2015

CORAM :

THE HON'BLE MR.JUSTICE K.KALYANASUNDARAM

W.P.No.35795 of 2015
and
M.P.Nos.1 & 2 of 2015

T.Mohanagandhi

... Petitioner

Vs

1.The General Manager (HR)
Mine-II Office,
Neyveli Lignite Corporation Ltd.,
Neyveli - 2.

2.Mr.P.Tamilselvan,
ACM/Lignite Bench/Mine-II,
Disciplinary Authority,
Neyveli Lignite Corporation Ltd.,
Neyveli - 2.

3.Mrs.D.Vasanthi

4.Mr.Deivasigamani

5.Srinivasan

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India for issue of writ of mandamus directing the 1st and 2nd respondents not to conduct any enquiry based upon the charge memo issued by the 2nd respondent bearing No.M.II/HR/DA CELL/551/1797/2015 dated 13.10.2015 to the petitioner based upon the false complaint of the 3rd, 4th and 5th respondents.

For Petitioner : Mr.P.Pon Pandian

For Respondent : Mr.F.B.Benxamin George
for R1 and R2.

O R D E R

By consent, the writ petition is taken up for disposal at the admission stage itself.

2. This writ petition is filed seeking to quash the show cause notice issued against the petitioner by the 2nd respondent calling for explanation for non-disclosure of criminal case registered against him in Crime No.9 of 2015 under Sections 498A of IPC r/w Sec.4 of Women Harassment Act.

3. Heard Mr.P.Pon Pandian, learned counsel for the petitioner and Mr.F.B.Benxamin George, learned counsel for the respondents.

4. The learned counsel for the petitioner would contend that the criminal case registered against the petitioner in Crime No.9 of 2015 was based on a false complaint given by the respondents 3 to 5 and that the petitioner has duly submitted his explanation for the impugned show cause notice to the 2nd respondent on 14.10.2015. However, the 1st respondent, without accepting the explanation of the petitioner is proceeding with the enquiry.

5. On instruction, the learned counsel for respondents 1 and 2 submitted that the petitioner has not submitted his explanation for the show cause notice dated 13.10.2015 and if any explanation is submitted, the respondents 1 and 2 shall consider the same and thereafter proceed with the departmental enquiry, if necessary.

6. Considering the submissions made by the learned counsel for the respondents 1 and 2, the petitioner is directed to submit his explanation within a period of one week from the date of receipt of a copy of this order. On receipt of the explanation, the 2nd respondent, disciplinary authority herein is directed to consider the reply of the petitioner and take a decision to proceed further with the disciplinary action, within a period of four weeks thereafter and communicate the same, to the petitioner.

7. With the above direction, this writ petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

rgr

To

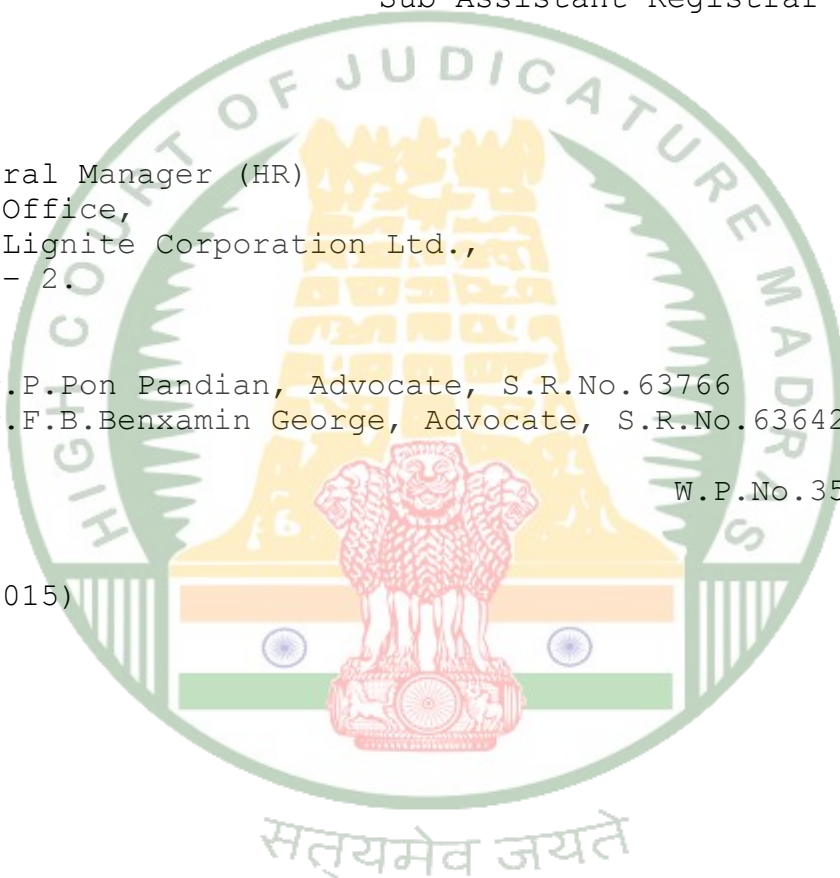
1.The General Manager (HR)
Mine-II Office,
Neyveli Lignite Corporation Ltd.,
Neyveli - 2.

+1cc to Mr.P.Pon Pandian, Advocate, S.R.No.63766

+1cc to Mr.F.B.Benxamin George, Advocate, S.R.No.63642

W.P.No.35795 of 2015

PUR(CO)
CA(22/12/2015)



WEB COPY