



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.08.2015

CORAM :

THE HONOURABLE MR.JUSTICE R.SUDHAKAR

and

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Writ Appeal (MD) No.867 of 2015

Latha Mangai

... Appellant/Petitioner

Vs.

The Senior Divisional Manager,
Life Insurance Corporation of India,
Thanjavur Division,
Thanjavur.

... Respondent /Respondents

Writ Appeal is filed under Clause 15 of the Letters Patent against the order dated 30.06.2015 made in W.P.(MD) No.5523 of 2015 on the file of this Court.

Prayer in WP(MD). 5523/ 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorari, to call for the records pertaining to the Impugned order in Show Cause Notice dated 27.03.2015 passed by the respondent and quash the same as illegal and unconstitutional.

For Appellant : Mrs.Hema Sampath,
Senior Counsel
for M/s.N.C.Ashok Kumar

For Respondent : Mr.G.R.Swaminathan

JUDGMENT

(Judgment of the Court was delivered by **R.SUDHAKAR, J.**)

This writ appeal is directed against the order of the learned single Judge refusing to interfere with the show cause notice issued by the respondent.

2.The grievance of the appellant/writ petitioner is that the show cause notice is almost in the nature of an order concluding that the appellant/writ petitioner has committed grave irregularity and perpetuated fraud on the Corporation and therefore, according to the learned Senior Counsel, the proceedings before the authority will be an empty formality theory.

3.Mr.G.R.Swaminathan, learned counsel for the respondent contended that whatever is required to be stated in the show cause notice has already been clearly spelt out, so that the delinquent/appellant/writ petitioner is able to understand the nature of allegation that the



Department is making against him to sustain the charge in the show cause notice.

4. There is no finding of guilt. The appellant/writ petitioner can at best give a detailed explanation stating the circumstances under which he could be discharged from the allegation made in the show cause notice. There is no element of doubt that in response to the show cause notice, the reply given will be considered by the authorities on its own merit and the matter will be dealt with in accordance with law.

5. Though the learned single Judge, however has not gone into much about the details to explain and state that the show cause notice is not an order as such but we find that various rules and charges laid down in the show cause notice have been clarified on the basis of the charge against the appellant/writ petitioner which otherwise would have made the show cause notice subject to challenge on the ground of vagueness.

6. In such view of the matter, taking note of the plea of the learned Senior Counsel for the appellant/writ petitioner that relevant materials in support of the show cause notice is a pre-requisite for enabling the appellant/writ petitioner to submit a detailed response to the said notice, we are inclined to direct the respondent, which the respondent's counsel readily agreed that relevant documents in support of the show cause notice will be furnished within 15 days from the date of receipt of a copy of this order and thereafter, the appellant/writ petitioner will be entitled to submit his reply to the show cause notice within 30 days thereafter. The appellant agrees to participate in the proceedings subject to the compliance of the above.

7. Recording the same, the writ appeal is disposed of. No costs. Consequently, M.P(MD)Nos.1 and 2 of 2015 are closed.

Sd/-

Assistant Registrar

/True Copy/

Sub Assistant Registrar

sms

To,

The Senior Divisional Manager,
Life Insurance Corporation of India,
Thanjavur Division,
Thanjavur.

+1CC to Mr.G.R.Swaminathan Advocate Sr.No.50571

+1CC to Mr.N.C.Ashok Kumar Advocate Sr.No.50318

GJM/AN/MP/21.9.15-2P-4C