



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.06.2012

CORAM:

THE HONOURABLE MR.JUSTICE K.VENKATARAMAN

W.P. (MD) No.6663 of 2011

Manimaran

: Petitioner

Vs.

1.The Managing Director,
Tamil Nadu Forest Plantation Corporation Ltd.,
(an undertaking of Government of Tamil Nadu),
Mallachipuram, Trichy 620 101.

2.The Inspector of Police,
Cantonment Police Station,
Trichy.

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for the issue of a Writ of Certiorarified Mandamus to call for the records in Se.Mu.Anai No.3804/2011/Pa1, dated 10.06.2011 passed by the first respondent and quash the same and consequently direct the first respondent to reinstate the petitioner in service with all service benefits.

For Petitioner : Mr.T.A.Ebenezer

For Respondent 1 : Mr.Aaiyram K.Selvakumar
Government Advocate

For Respondent 2 : Mrs.S.Bharathi
Government Advocate

O R D E R

The present Writ Petition is laid challenging the impugned order of the first respondent dated 10.06.2011, an order removing the petitioner from service.

2. The case of the petitioner is that he was working as a daily wage employee under the first respondent corporation, and thereafter, he was appointed as Driver from 22.09.2009 onwards. On 28.04.2011, he was arrested by the second respondent police in connection with a case in Crime No.918 of 2011, for the alleged offences under Sections 420 and 397 of the Indian Penal Code and altered into Sections 9(A), 25(A) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985. When he was in jail, the first respondent issued a show cause notice dated 12.05.2011 through Jail Authorities asking to show cause as to why he should not be dismissed from service for his involvement in the said criminal case. He had offered his explanation on 18.05.2011 stating that he does not know anything about the said case, and further, he prayed for three months time to give reply after perusal of all the records relating to the said case. He had also sent a rejoinder on 02.06.2011 seeking to defer the departmental proceedings pending criminal case, since the departmental proceedings has been initiated on the same set of facts. While so, to his shock and surprise, the first respondent passed an order dated



10.06.2011, removing the petitioner from service. Challenging the same, the petitioner has come up with the present Writ Petition.

3. The learned counsel appearing for the petitioner strenuously contended that the impugned order has been passed without following the due process of law, viz., without framing charges and holding enquiry.

4. I see force in the said contention of the learned counsel for the petitioner. On a perusal of the impugned order, it could not be seen that charges have been framed against the petitioner and that he was removed from service after holding enquiry on the basis of the framed charges.

5. In view of the same, the impugned order dated 10.06.2011 passed by the first respondent stands set aside and the Writ Petition is allowed. It is needless to say that the first respondent is at liberty to pass orders, after following the due process of law by framing charges and holding enquiry. No costs.

Sd/-

Assistant Registrar (Crl.side)

/ True Copy /

Sub Assistant Registrar

To

1.The Managing Director,
Tamil Nadu Forest Plantation Corporation Ltd.,
(an undertaking of Government of Tamil Nadu),
Mallachipuram, Trichy 620 101.

2.The Inspector of Police,
Cantonment Police Station, Trichy.

+1CC TO THE SPECIAL GOVERNMENT PLEADER, SR : 20475

NB

SR :04.07.2012 : 2p/4c

ORDER MADE IN
W.P. (MD) No.6663 of 2011
22.06.2012