

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 23.08.2016

CORAM

THE HONOURABLE MR. JUSTICE B.RAJENDRAN

W.P. No.15425 of 2016
& W.M.P.Nos.13450 and 13451 of 2016, 18677 of 2016

G.Chandrasegar

.. Petitioner

Vs.

1.The Chief Manager - HR [II],
ITI Limited, Registered and Corporate Marketing,
I.T.I Bhavan, Doorvaninnagar,
Bangalore - 560 016.

2.The Chief Regional Manager,
ITI Limited, Regional Office,
Panagal Building, 3rd Floor,
No.1, Jeenis Road, Saidapet,
Chennai - 600 015.

.. Respondents

PRAYER : Writ Petition has been filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records in office order No.190/2016 in ITI/COMP/02/01 dated 18.02.2016 passed by the first respondent and quash the same as illegal, arbitrary and malafide and direct the first respondent to permit the petitioner to continue the service in the second respondent office till the retirement.

For Petitioner : Mr.A.Thiagarajan
Senior Counsel
for Mr.S.Ramesh Kumar

For Respondents: Ms.Rita Chandrasekar
Senior Counsel

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O R D E R

This Writ Petition has been filed to issue a Writ of Certiorarified Mandamus, to call for the records in office order No.190/2016 in ITI/COMP/02/01 dated 18.02.2016 passed by the first respondent and quash the same as illegal, arbitrary and malafide and direct the first respondent to permit the petitioner to continue the service in the second respondent office till the retirement.

2.The petitioner joined service as Assistant Executive Engineer in the year 1987. Based on certain allegations, he was suspended from service on 18.12.2015 and issued with a charge memo dated 22.01.2016 and submitted his explanation on 05.02.2016 and the same was not accepted. However, the first respondent passed two orders dated 17.02.2016, one is censure and another one is revocation of suspension. Thereafter, enquiry was completed with a punishment of censure on 17.02.2016 and the first respondent passed the transfer order on 18.02.2016 and the petitioner was relieved on the same day. Immediately, the petitioner sent a representation on 01.03.2016, which was responded by the first respondent on 15.03.2016. The petitioner has got no other alternative except to approach this Court to quash the impugned order dated 18.02.2016 and hence, the Writ Petition has been filed.

3.The learned Senior Counsel appearing for the petitioner would submit that the petitioner would be satisfied, if his representation dated 11.04.2016 is directed to be considered and appropriate orders are passed as expeditiously as possible, since he is due to retire from service in the month of April 2017.

4.The learned Senior Counsel appearing for the respondents has got no serious objection for directing the respondents, to consider the representation of the petitioner and pass appropriate orders, on merits and in accordance with law.

5.Considering the submissions made on either side, this Court, without going into the merits of the claim made by the petitioner, directs the respondents, to consider the representation of the petitioner, dated 11.04.2016 to transfer the petitioner to a nearby place and pass appropriate orders, on merits and in accordance with law, within a period of one week from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any opinion with regard to the merits of the claim made by the petitioner.

6.The Writ Petition is disposed of accordingly. Consequently, connected Miscellaneous Petitions are closed. No costs.

sri

s/d-

Assistant Registrar(CS-VII)

True Copy

Sub-Assistant Registrar

To

1.The Chief Manager - HR [II],
ITI Limited, Registered and Corporate Marketing,
I.T.I Bhavan, Doorvaninnagar,
Bangalore - 560 016.

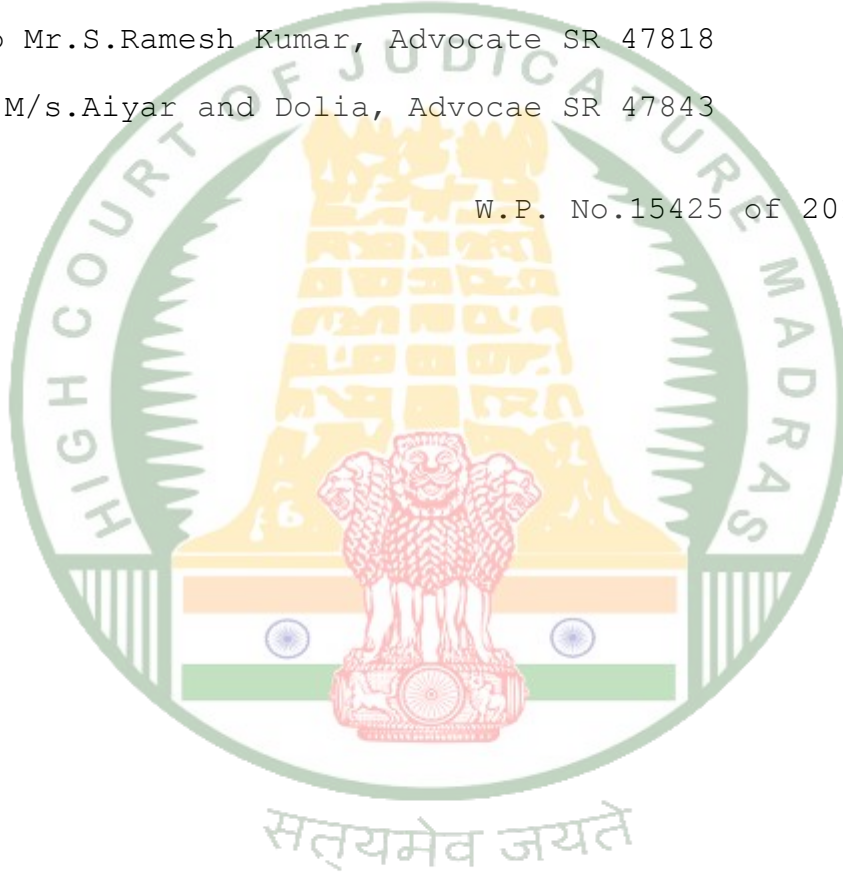
2.The Chief Regional Manager,
ITI Limited, Regional Office,
Panagal Building, 3rd Floor,
No.1, Jeenis Road, Saidapet,
Chennai - 600 015.

+ 2 ccs to Mr.S.Ramesh Kumar, Advocate SR 47818

+ 1 cc to M/s.Aiyar and Dolia, Advocae SR 47843

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