IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14-07-2016

Coram

THE HON'BLE MR. JUSTICE B. RAJENDRAN

Writ Petition No.24093 of 2016

V.Elumalai ..Petitioner

Vs.

1.The Board of Directors/Reviewing Authority
Food Corporation of India
Head Office
No.16-20 Barakhamba Lane
New Delhi-110 001.

2.The Chairman/Appellate Authority
Food Corporation of India
Head Office
No.16-20 Barakhamba Lane
New Delhi-110 001.

3.The Managing Director/Disciplinary Authority
Food Corporation of India
Head Office
No.16-20, Barakhamba Lane
New Delhi-110 001. .. Respondents

Writ Petition filed under Article 226 of the constitution of India to issue a Writ of Mandamus, to direct the 1st respondent to consider and dispose of the petitioner's Review Application, dated 29.04.2016, which is pending before the 1st respondent, within a stipulated time fixed by this Court and to pass such further orders as this Court may deem fit and proper in the facts and circumstances of the above case.

For Petitioner : Mr.K.Manikandan

For Respondents: Mr.S.Vijayakumar
Spl.Govt.Pleader.

O R D E R

By consent, this Writ Petition is taken up and disposed of at the stage of admission itself.

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2. This Writ Petition has been filed to issue a Writ of Mandamus, to direct the 1st respondent to consider and dispose of the petitioner's Review Application, dated 29.04.2016, within a time frame.

3. According to the petitioner, while he was working as Area Manager to manage the works in the Cuddalore and Thanjavur District, investigation was ordered by the Executive Director (South) Zonal Office, Chennai, by appointing the General Manager as Investigation Officer to go into the alleged irregularities committed in the tender allocation proceedings. After framing of charges, the petitioner was implicated, without giving show cause notice. Thereafter, Memorandum of Charge and final report were filed. The petitioner was imposed with the punishment of reduction of pay by two stages in the scale of pay of Assistant General Manager for a period of one year without cumulative effect. Aggrieved against which, the petitioner had preferred an appeal. Since, it was kept pending for more than two years, the petitioner preferred a Writ Petition in W.P.No.2465 of 2016. The said Writ Petition was disposed of, on 08.04.2016, directing the 2nd respondent to dispose of the appeal within a period of eight weeks from the receipt of the order. Pursuant to which, an order was passed in the appeal, by modifying the penalty to reduction of pay by one stage in the scale of pay of Assistant General Manager for a period of one year without cumulative effect which will not have an adverse effect on his retirement benefits. Aggrieved against which, the petitioner has preferred Review Application before the 1st respondent on 29.04.2016 and the same is till date pending. Hence, the petitioner has filed this Writ Petition seeking the relief stated supra.

4. Mr.K.Manikandan, the learned counsel for the petitioner would submit that he would be satisfied, if the 1st respondent is directed to consider and dispose of the Review Application filed by the petitioner on 29.04.2016, within a time frame, as his further promotions were stalled.

5. Mr.S.Vijayakumar, the learned Special Government Pleader, who takes notice for the respondents, would submit that the Review Application will be considered and appropriate orders will be passed, in accordance with law.

6. Taking into consideration that the next promotion is due to the petitioner, this Court, without going into the merits of the claim made by the petitioner, directs the 1st respondent to consider the statutory Review Application, dated 29.04.2016, and pass appropriate orders, on merits and in accordance with law, as expeditiously as possible, preferably within a period of three months from the date of receipt of a copy of this order.

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It is made clear that this Court has not expressed any opinion with regard to the merits of the claim made by the petitioner.

7. The Writ Petition is disposed of accordingly. No costs.

paa

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

1.The Board of Directors/Reviewing Authority
Food Corporation of India
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3.The Managing Director/Disciplinary Authority
Food Corporation of India
Head Office, No.16-20, Barakhamba Lane
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+ 1 cc to Mr.S.Vijayakumar, Advocate Sr 39415

+ 1 cc to Mr.K.Manikandan, Advocate Sr 39275

KR/26/7/16

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