

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.06.2016

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND

THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

W.A.No.759 of 2016

Kakirala Veerabhadra Rao

..Appellant

-Vs-

1. The Chairman/Reviewing Authority
Food Corporation of India
Head Office, No.16-20, Barakhamba Lane
New Delhi 110 001.
2. The Managing Director/Appellate Authority
Food Corporation of India
Head Office, No.16-20, Barakhamba Lane
New Delhi 110 001.
3. The Executive Director (South)/
Disciplinary Authority
Food Corporation of India
South Zone, Chennai 600 006.

..Respondents

Appeal under Clause 15 of the Letters Patent, against the order dated 27.04.2016 made in W.P.No.15862 of 2016.

W.P.No.15862 of 2016:- Petition filed under Article 226 of the Constitution of India, praying this Hon'ble Court to issue a Writ of Mandamus Directing the 1st Respondent to consider and dispose of the Petitioners Statutory Review Application Dated 23.02.2012 pending before the 1st respondent within a stipulated time fixed by this Honourable Court.

For Appellant :: Mr.R.Ezhilarasan for
Mr.K.Manikandan

For Respondents:: Mr.S.Vijayakumar

JUDGMENT

(Judgment of the Court was made by HULUVADI G.RAMESH, J.)

Mr.S.Vijayakumar, learned counsel takes notice on behalf of the respondents.

2. This writ appeal has been preferred by the appellant/writ petitioner challenging the order passed in the writ petition, whereby his prayer for a mandamus to the first respondent to consider and dispose of the statutory review application dated 23.2.2012 was rejected. According to the appellant, while he was working as Assistant Manager, Open Storage Unit I & II at Zangalapalle, he was implicated in a criminal case and thereupon, based on the issuance of charge memo for certain commissions and omissions, he was proceeded with departmentally and an order of dismissal from service together with the forfeiture of gratuity to offset the portion of loss sustained by the respondent-Corporation was passed against him by the third respondent/Disciplinary Authority vide the order dated 26.6.2007 just two days before his retirement on 30.6.2007, pending the criminal case in C.C.No.17 of 2005 before the learned Special Judge for CBI Cases, Hyderabad. Challenging the said order, the appellant filed an appeal before the second respondent/Appellate Authority and the same was dismissed vide the order dated 30.5.2008. However, when the appellant was acquitted of all the charges vide the order dated 30.6.2011 passed by the CBI Court, he has filed a review application on 23.2.2012 before the first respondent/Reviewing Authority seeking to review the order of punishment. As the said review application was not considered, he was constrained to file the writ petition seeking for the relief as stated above.

3. The learned single Judge was of the view that since the petitioner has moved an application for reviewing the order passed in the departmental proceedings and in the meanwhile, the order of dismissal became final, no writ will lie.

4. Having heard the learned counsel on either side, we set aside the impugned order and direct the first respondent to consider the review application dated 23.2.2012 filed by the petitioner on merits and pass appropriate orders in accordance with law within a period of two months from the date of receipt of a copy of this order. All the contentions are left open to be urged by the appellant/writ petitioner before the first respondent. The writ petition stands disposed of accordingly. No costs.

ss

Sd/-
Assistant Registrar

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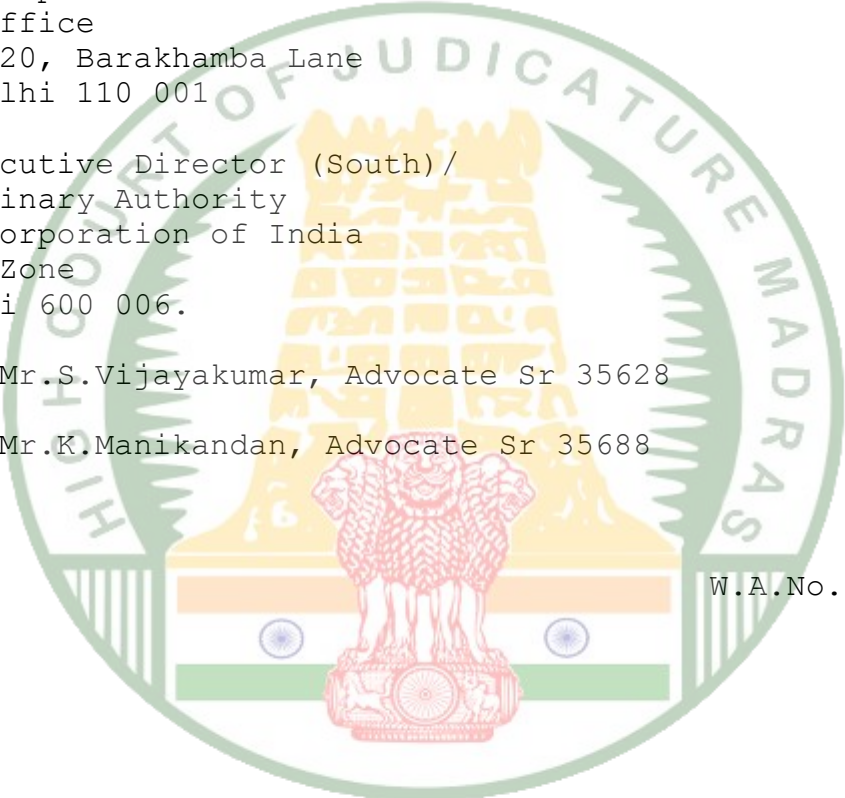
Sub Assistant Registrar

To

1. The Chairman/Reviewing Authority
Food Corporation of India
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No.16-20, Barakhamba Lane
New Delhi 110 001
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 3. The Executive Director (South)/
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South Zone
Chennai 600 006.
- + 1 cc to Mr.S.Vijayakumar, Advocate Sr 35628
- + 2 cs to Mr.K.Manikandan, Advocate Sr 35688

KR/5/7/16

W.A.No.759 of 2016



सत्यमेव जयते

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