

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :: 24-02-2016

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.5488 OF 2016

S.Sudhakar

..Petitioner

-Vs-

- 1.The Director of Sugars,
474, Anna Salai,
Nandanam, Chennai - 600 035.
 - 2.The Commissioner of Sugars,
450, Anna Salai,
Nandanam, Chennai-600 035.
 - 3.The Managing Director,
Kallakurichi Co-operative Sugar Mills Ltd.,
Munghilthuraipattu Post & Village,
Sankarapuram Taluk,
Villupuram District.
- ...Respondents

Petitions under Article 226 of the Constitution of India, praying for issuance of a writ of certiorari, to call for the records on the file of the third respondent in Na.Ka.No.7252/2008/A-1, dated 06.02.2016, and quash the same and permit the petitioner to stay in the staff quarters No.B-22, Kallakurichi Co-operative Sugar Mills Ltd., Moongilthuraipattu, Sankarapuram Taluk, Villupuram District.

For Petitioner : Mr.R.Chandrasekaran
For Respondents 1 & 2 : Mr.D.Venkatachalam
For Respondents 3 : Mr.R.Bala Ramesh,
Addl.Govt.Pleader

O R D E R

Petitioner, who is not yet a permanent employee of the third respondent, has filed this Writ Petition, challenging the order passed by the third respondent, directing him to forthwith vacate the official quarters, which is allotted to him.

2. In the counter affidavit filed by the third respondent, it has been admitted that the quarters has been allotted to the petitioner on temporary basis with the

condition not to permit or allow outsiders to stay in the quarters without the permission of the management. The said condition appears to have been breached by the petitioner, since four of his friends are said to have assembled in his quarters, consumed liquor, went into the third respondent's sugar mill at about 10.30 p.m. on 25.01.2016, threatened the Electrical Supervisor and also attempted to attack the Manufacturing Chemist. Owing to this, the impugned order has been passed.

3. Learned counsel for the petitioner has submitted that the petitioner was not in the quarters at the time of incident, but he was attending on his wife, who was admitted in a hospital, as she was about to deliver a baby, and for the wrong committed by some other persons in the campus, the petitioner should not be penalised.

4. As rightly pointed out by the learned counsel for the third respondent management, the medical records of the petitioner's wife show that they are residing at No.62, Pillayar Kovil Street, Parumduraipattu Village, Thandavampattu Taluk, Tiruvannamalai District, and the petitioner has not given the address of the quarters. The specific case of the third respondent management is that the petitioner is not residing in the quarters and the said quarters is said to have been misused by others anti-social activities.

5. If the above stand of the third respondent is established, then, it is a very serious matter, which will, ultimately, result in cancellation of the allotment of the quarters. However, the impugned order can have no bearing on the other proceedings, which are pending between the parties and the petitioner cannot confuse this matter with the other issues, pertaining to his regularisation. Since the petitioner takes a stand that he never permitted the four persons to use the quarters, that being a factual issue, the matter has to be inquired into. However, on the said ground, the impugned order cannot be quashed. It is also seen that the petitioner has submitted a representation on 09.02.2016 to the third respondent, on receipt of the impugned order.

6. In the light of the above facts and circumstances, there will be a direction to the third respondent to appoint a senior Officer of his Department, who shall conduct an inquiry into the matter, ascertain the truth and submit a report to the third respondent, who, based on such report and after affording a further opportunity to the petitioner, shall pass final orders on merit and in accordance with law. If, during the inquiry, it is found that the quarters has been misused, it is well open for the third respondent to pass orders in accordance with law. The above direction shall be complied with within a period of three weeks from the date of receipt of a copy of this order.

7. Writ Petition is disposed of accordingly. No costs. Consequently, the connected W.M.P.No.4832 of 2016 is closed.

dixit

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

- 1.The Director of Sugars,
474, Anna Salai,
Nandanam, Chennai - 600 035.
 - 2.The Commissioner of Sugars,
450, Anna Salai,
Nandanam, Chennai-600 035.
 - 3.The Managing Director,
Kallakurichi Co-operative Sugar Mills Ltd.,
Munghilthuraipattu Post & Village,
Sankarapuram Taluk,
Villupuram District.
- + 1 CC TO Mr.R.Chandrasekaran, ADVOCATE SR 12269
+ 1 CC TO Mr.R.Bala Ramesh, ADVOCATE SR 11848
+ 1 CC TO THE GOVT.PLEADER, SR 11749

KR/10/3/16

सत्यमेव जयते

W.P.No.5488 OF 2016

WEB COPY