



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.10.2016

CORAM

THE HON'BLE Dr. JUSTICE S.VIMALA

W.P(MD) No.19723 of 2016

P.Natarajan

... Petitioner

-vs-

1.The Board of Directors,
Tamil Nadu Civil Supplies Corporation,
12, Thambusamy Road,
Kilpauk, Chennai - 600 010.

2.The Managing Director,
Tamil Nadu Civil Supplies Corporation,
12, Thambusamy Road,
Kilpauk, Chennai - 600 010.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 1st Respondent herein to dispose of the petitioner's appeal dated 23.07.2013 preferred against the order of dismissal dated 29.05.2013 passed by the 2nd Respondent at early dated as fixed by this Court.

For Petitioner : Mr.D.Srinivasaragavan

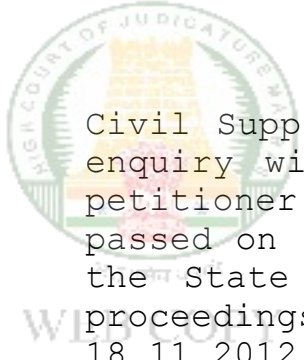
For Respondents : Mr.P.Seetharaman

O R D E R

This Writ Petition has been filed seeking a direction to the first respondent to dispose of the petitioner's appeal dated 23.07.2013, preferred against the order of dismissal dated 29.05.2013, passed by the second respondent, within a limited time frame.

2.Heard the learned counsel appearing for the petitioner and the learned counsel for the respondents. By consent the writ petition itself is taken up for final disposal at the admission stage.

3.The petitioner was working as a Superintendent at Tamil Nadu Civil Supplies Corporation (TNCSC), Dindigul from 22.06.2012. On 03.11.2012, a container lorry was seized by the



Civil Supplies CID, which contains PDS rice in 405 gunny bags. On enquiry with one S.Nagaraj, CSCID registered a case against the petitioner in Crime No.395 of 2012 and order of detention was passed on 16.11.2012. Later on, the detention order was revoked by the State Advisory Board on 26.12.2012. Based on the criminal proceedings, the petitioner was suspended from service on 18.11.2012. Consequently, charge memo was issued to the petitioner on 04.02.2013, enlisting five charges, for which, the petitioner has submitted his reply. On 02.04.2013, the enquiry officer submitted his report, holding that the charges are not proved. However, the second respondent has chosen to dismiss the petitioner from service on 26.05.2013. Against the order passed by the second respondent, an appeal was preferred by the petitioner to the first respondent. As the appeal is not disposed of, the petitioner has come forward with this Writ of Mandamus.

4.As provided in the statute, the appeal has been preferred to the Board of Directors, which is dated 23.07.2013. Even though the appeal is pending for more than two years, no final order has been passed and that has driven the petitioner to the extent of filing the present writ petition.

5.The grounds raised and the details furnished in the appeal petition is very extensive and therefore, it may not be difficult for the appellate authority to look into the matter and to pass further orders.

6.Under such circumstances, this writ petition is disposed of with a direction to the first respondent to dispose of the appeal dated 23.07.2013 within a period of one month from the date of receipt of a copy of this order. No costs.

Sd/-
Assistant Registrar (AE)

/True copy/

Sub Assistant Registrar

+1 CC to Mr.D.SRINIVASA RAGHAVAN, Advocate, SR No.60818

+1 CC to Mr.P.SEETHARAMAN, Advocate, SR No.61581

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mj
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