

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.03.2017

CORAM:

THE HON'BLE MR. JUSTICE T. RAJA

W.P. No.6179 of 2017 & W.M.P. No.6660 of 2017

N. Baskaran

Petitioner

vs.

1.The Managing Director
NLC Limited
Neyveli
Cuddalore District

2.The General Manager (HR)/(IR)
Corporation Office
NLC Limited
Cuddalore District

3.The Deputy General Manager
SME-MRR Division/Mine-II
NLC Limited
Cuddalore District

4.The Chief Manager
SME-MRR Division/Mine-II
NLC Limited
Cuddalore District

5.U. Meganathan
CM/Chemical/Mine-II
NLC Limited
Cuddalore District

6.The Chief Vigilance Officer
NLC Limited
Neyveli, Cuddalore District

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorari calling for the entire records pursuant to the final show cause notice issued by the third respondent vide Memo No.II/HR/DA CELL/552/1604/2015 dated 25.02.2017 and quash the same.

For petitioner Mr. T.P. Prabakaran

ORDER

The challenge in this writ petition is to the second show cause notice dated 25.02.2017 issued by the third respondent, whereby and whereunder, the petitioner has been directed to show cause as to why he should not be removed from service.

2 Shorn of the minute details, the facts which are germane and necessary for deciding this case are as under:

2.1 The petitioner was appointed as Industrial Worker-Trainee on 25.08.1999 vide proceedings no.5070/P & AR IV-II/89 issued by the Chief Personnel Manager of the respondent-Corporation and he reported to duty on 01.09.1989.

2.2 While so, after a span of 16 years, the petitioner was issued with a charge memo dated 17.01.2015 calling upon to explain as to why disciplinary proceedings should not be initiated against him, since he submitted bogus educational record sheet qua his date of birth at the time of his appointment in the respondent-Corporation and had also submitted another bogus certificate showing as though he had passed VIII standard from P.U. High School, Kattupalayam.

2.3 The petitioner submitted his explanation with relevant records taking a stand that at the time of his appointment as Industrial Worker-Trainee in the respondent-Corporation on 25.08.1999, he was only a 17 ½ year lad and it was only his father who made the necessary arrangements to produce the requisite documents qua his appointment and ergo, for the alleged wrong committed by his father, he cannot be held responsible.

2.4 Not being satisfied with the petitioner's explanation, the respondent Corporation appointed an Enquiry Officer who held that the charge levelled against the petitioner is proved, vide his report dated 03.12.2015. On receipt of the Enquiry Officers' report, the Disciplinary Authority issued a notice dated 25.02.2017 calling for the petitioner to show cause as to why the major punishment of removal from service should not be inflicted on him, feeling aggrieved by which, the petitioner is before this Court with the present writ petition.

3 This Court is not inclined to entertain this writ petition for more than one reason. Firstly, pursuant to the 42nd amendment to the Constitution of India, a second show cause notice itself, in law, is uncalled for. Further, it is a trite proposition of law that no writ is maintainable against a proposed punishment.

4 The learned counsel for the petitioner made a plea that the petitioner may be granted some more time to submit his explanation to the impugned notice.

5 Acceding to the submission made by the learned counsel for the petitioner, two weeks' time, from the date of receipt of a copy of this order, is granted to the petitioner, to submit his explanation to the impugned show cause notice.

In the result, this writ petition stands dismissed with the above observation. Costs made easy. Connected W.M.P. is closed.

Sd/-

Asst.Registrar

/true copy/

Sub Asst. Registrar

To

- 1.The Managing Director
NLC Limited
Neyveli. Cuddalore District
- 2.The General Manager (HR)/(IR)
Corporation Office
NLC Limited, Cuddalore District
- 3.The Deputy General Manager
SME-MRR Division/Mine-II
NLC Limited
Cuddalore District
- 4.The Chief Manager
SME-MRR Division/Mine-II
NLC Limited
Cuddalore District
- 5.The Chief Vigilance Officer,
NLC-Limited
Neyveli, Cuddalore District.

+1cc to M/S. T.P. Prabakaran, Sr. 15821

W.P. No.6179 of 2017

NR(CO)
VR(15/03/2017)