

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 8.12.2017

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

W.A.No.1304 of 2017
and
C.M.P.No.18182 of 2017

The Chairman,
Tamil Nadu Pollution Control Board,
76, Mount Salai, Guindy,
Chennai 600 032. Appellant

Versus

P.Kamaraj Respondent

Prayer: Writ Appeal filed filed under Clause 15 of the Letters Patent against the order dated 29.11.2016 passed in W.P.No.38468 of 2016 on the file of this court.

W.P.No.38468 of 2016:

Writ petition filed under Article 226 of the constitution of India praying for issuance of Writ of Certiorarified Mandamus to call for the records of the respondent dt 4.2.2015 vide Proc. No. TNPCB/Per./ CS/03810/2014-2 and consequential extension of suspension order dt 11.8.2016 vide Proc. No. TNPCB/Per. CS/03810/2015-1 to quash the same with consequential direction to the respondent to re institute the petitioner with immediate effect into the service of the respondent in any place.

For appellant : Mrs.Rita Chandrasekar
For respondent : Mr.Haja Nasiruddin, Senior Counsel
for Mr.P.Haribabu

JUDGMENT

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

Heard the learned counsel appearing for the parties.

2. Challenging the order passed by the learned Single Judge directing the appellant to reinstate the writ petitioner/respondent herein into service by posting him in any non-sensitive post, the present writ appeal has been filed by

the Tamil Nadu Pollution Control Board.

3. It appears that the respondent herein, who was working as District Environmental Engineer, Vellore is now under suspension and a criminal case is also pending as against him before the CB CID with regard to an accident occurred in Ranipet SIDCO Effluent Treatment Company, Phase I Vellore District in which there were ten casualties and the cause of accident is said to have been not only the instability of the structure in the plant and machineries, but also, due to the negligence of the writ petitioner in allowing the same to function by getting bribe. Further, the post held by the writ petitioner is said to be a sensitive post and hence, difficulty is being expressed by the appellant in posting him in any non-sensitive post.

4. Therefore, despite the fact that the writ petitioner seeks to rely upon various decisions in support of his claim for reinstatement on the ground of delay in completion of the proceedings pending against him, considering the nature of misconduct involved and its consequences and casualties that took place, we are of the view that it is not a convincing case to relax the rule and reinstate him pending disposal of the proceedings. In that view of the matter, the order passed by the learned single Judge is set aside and the writ appeal is allowed. However, we direct the appellant to initiate steps for completion of the entire proceedings within a period of six months from the date of receipt of a copy of this judgment. No costs. The connected miscellaneous application is closed.

s/d-
Assistant Registrar(CS IX)

True Copy

Sub-Assistant Registrar

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ssk.

To:

The Chairman,
Tamil Nadu Pollution Control Board,
76, Mount Salai, Guindy,
Chennai 600 032.

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+1 CC to Mrs. Rita Chandrasekar, Advocate sr 87328.
+1 CC to Mr.P. Haribabu, Advocate sr 87915

W.A.No.1304 of 2017

SP(24/01/2018)



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