

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 22.06.2017

CORAM:

THE HON'BLE MR.JUSTICE K.K.SASIDHARAN
AND
THE HON'BLE MR.JUSTICE M.V.MURALIDARAN

W.A.No.2332 of 2011,
Cont.P.No.99 of 2013,
M.P.No.1 of 2011 and 1 of 2013

W.A.No.2332 of 2011

B.Chandramohan

vs.

...Appellant

1.The Secretary to Government,
Agriculture and Forest,
Chief Secretariat, Puducherry.

2.The Chairman,
Head Office, PASIC
Thattanchavadi
Puducherry 605 009.

3.The Managing Director,
Head Office, PASIC
Thattanchavadi
Puducherry 605 009.

...Respondents

Prayer: Writ Appeal filed Under Clause 15 of the Letters
Patents Act, against the order dated 21.11.2011 in W.P.No.24649
of 2011.

WP.No.24649 of 2011:

Petition praying to issue a Writ of Certiorari to call for the
concerned records relating to the Order No. 11-2/PASIC ESTT / T
& P / 2011-12 dt 29.9.2011 passed by the 3rd respondent and
quash the same.

Cont.P.No.99 of 2013

B.Chandramohan

...Petitioner

Vs.

Mr.Pankaj Kumar Jha
Formerly the Managing Director
Head Office, PASIC
Thattanchavadi
Puducherry - 605 009
Presently Joint Secretary to Government
Home Department,
Chief Secretariat, Puducherry.

...Respondent

Contempt Petition filed under Section 11 of the Contempt of Courts Act to punish the respondent for willful disobedience of the order passed in W.A.No.2332 of 2011 dated 12.03.2012.

Mr.M.Gnanasekar : For Appellant in
W.A.No.2332 of 2011 and
For Petitioner in
Cont.Petition No.99 of 2013

Ms.Usha
Addl.Govt.Pleader: For 1st respondent in
Pondicherry W.A.No.2332 of 2011

Mr.T.P.Manoharan
Senior Counsel
for Mr.T.M.Naveen : For 2nd and 3rd respondents in
W.A.No.2332 of 2011
Mr.T.P.Manoharan : For respondent in
Senior Counsel for Cont.P.No.99 of 2013
Mr.T.M.Naveen

J U D G M E N T

K.K. SASIDHARAN, J.

The challenge in the intra court appeal is to the order dated 21 November, 2011 in W.P.No.24649 of 2011, directing the petitioner to join service at Yanam after rejecting the challenge made to the transfer order. The learned single Judge, while directing the Puducherry Agro Service and Industries Corporation Limited (PASIC) to disburse the entire salary arrears, directed the appellant to join service at Yanam, pursuant to the transfer order, failing which, liberty was granted to PASIC to initiate disciplinary proceedings. The order is under challenge on multiple grounds including malafides.

2. This Court admitted the writ appeal and granted a limited interim order. During the currency of the intra court appeal, the PASIC terminated the appellant from service without

conducting enquiry. The appellant, therefore, initiated contempt proceedings in Cont.Petition No.99 of 2013 to punish the respondents on account of their wilful disobedience of the order passed by the Division Bench.

3. The intra court appeal and the connected contempt petition are posted before us today for final disposal.

4. The learned Senior Counsel for PASIC on the basis of instructions given by Thiru.A.Ramamurti, Managing Director, PASIC, who is present in Court, submitted that PASIC is prepared to withdraw the order terminating the appellant from service with liberty to conduct a fresh enquiry.

5. It is a matter of record that the appellant failed to join duty at Yanam inspite of the direction given by the learned single Judge. Subsequently, the appellant was terminated. Even otherwise, the appellant was due for retirement on attaining the age of superannuation during February 2014. In view of the subsequent events, we are of the view that there is no need to adjudicate the factual matrix involved in the intra court appeal. Since the Managing Director, PASIC has withdrawn the order dated 11 September, 2012, dismissing the appellant from service, there is no need to keep the contempt petition also pending.

6. The intra court appeal in W.A.No.2332 of 2011 is disposed of without adjudicating the merits of the order on account of the subsequent events relating to the withdrawal of the proceedings initiated against the appellant. No costs. Consequently, connected miscellaneous petitions are closed.

The contempt petition in Cont.Petition No.99 of 2013 is also closed, in view of the endorsement made by the Managing Director, PASIC, recalling the order of termination.

7. We give liberty to the PASIC to conduct enquiry with notice to the appellant and by following the principles of natural justice. There shall be a further direction to PASIC to complete the enquiry proceedings, within a period of six months from today. The appellant shall co-operate with the Management for an early disposal of the enquiry proceedings.

Sd/-
Asst.Registrar (CS VII)

/true copy/

Sub Asst. Registrar

svki

To:

1.The Secretary to Government,
Agriculture and Forest,
Chief Secretariat, Puducherry.

2.The Chairman,
Head Office, PASIC
Thattanchavadi
Puducherry 605 009.

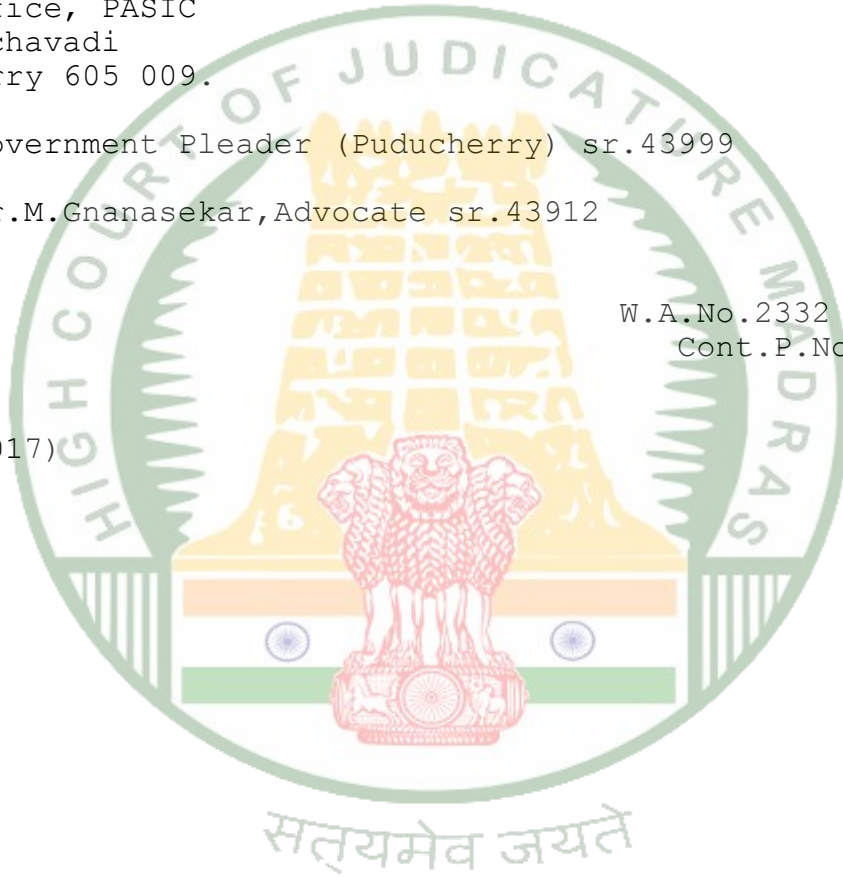
3.The Managing Director,
Head Office, PASIC
Thattanchavadi
Puducherry 605 009.

+1cc to Government Pleader (Puducherry) sr.43999

+1cc to Mr.M.Gnanasekar,Advocate sr.43912

W.A.No.2332 of 2011 and
Cont.P.No.99 of 2013

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ss(14/7/2017)



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