

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.09.2017

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.Nos.18346 & 18347 of 2016
W.M.P.Nos.16050 & 16051 of 2016

D.Prabhu

.. Petitioner in both WPs

Vs.

1. The Government of Tamil Nadu,
Represented by the Secretary,
Industries (MIC-II) Department,
Fort St. George, Chennai - 600 009.
2. The Commissioner of Sugar,
No.690, Anna Salai, Nandanam, Chennai - 600 009.
3. The Managing Director/Discipline Proceeding Officer,
Chengalrayan Co-operative Sugar Mills Ltd.,
Periyasevalai - 607 209, Ulundurpet Taluk,
Villupuram District.
4. Mr.S.Dhanasekaran,
Cane Assistant, Chengalrayan Co-operative Sugar Mills Ltd.,
Periyasevalai - 607 209,
Ulundurpet Taluk, Villupuram District.
5. R.Jayakumar,
Junior Assistant D1 Clerk,
Chengalrayan Co-operative Sugar Mills Ltd.,
Periyasevalai - 607 209,
Ulundurpet Taluk, Villupuram District.
6. R.Pandian,
Cane Development Officer, Senior Manager in Charge,
Chengalrayan Co-operative Sugar Mills Ltd.,
Periyasevalai - 607 209,
Ulundurpet Taluk,
Villupuram District.

... Respondents in both WPs

Prayer in W.P.No.18346 of 2016: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records of the third respondent pursuant to the Charge Memo issued in Na.Ka.No.105/2016/E2 dated 07.05.2016 and quash the same.

Prayer in W.P.No.18347 of 2016: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records of the third respondent passed in Na.Ka.No.105/2016/E2 dated 26.04.2016 suspending the petitioner and quash the same and consequently direct the respondents 1 to 3 to reinstate the petitioner with all attendant benefits.

For Petitioner : Mr.S.Dhayaleswaran,
in both the WPs

For RR 1 & 2 : Mr.L.P.Shanmugasundaram
in both Wps Special Government Pleader

For R3 : Mr.R.Bala Ramesh
in both WPs

For R4 : Mr.V.Raghavachari
in both WPs

For RR 5 & 6: No Appearance
in both WPs

C O M M O N O R D E R

W.P.No.18346 of 2016 is filed challenging the Charge Memo issued by the 3rd Respondent in proceedings dated 07.05.2016.

2.On a perusal of the Charge Memo, this Court is of the view that certain serious irregularities were alleged to have been committed by the writ petitioner and on initiation of the disciplinary proceedings the Charge Memo was issued in proceedings dated 07.05.2016.

3.The writ petitioner filed another W.P.No.18347 of 2016 challenging the order of suspension issued in proceedings dated 26.04.2016. The petitioner was reinstated in service, pursuant to the interim order granted by this Court in W.P.No.18346 of 2016. However, the learned counsel appearing for the writ petitioner made a submission that pursuant to the interim order granted by this Court, the disciplinary proceedings were proceeded with and, the Enquiry Officer was appointed and the enquiry officer conducted a domestic enquiry and submitted his report and based on the report, a show cause notice was also issued to the writ petitioner and the writ petitioner also submitted his further explanations on the enquiry report.

4.The learned counsel appearing for the respondents submits that on account of pendency of the writ petition, they have not passed any final orders in the disciplinary proceedings,

otherwise, in all respects the disciplinary proceedings are completed and the final orders alone is to be passed in the disciplinary proceedings.

5.This being the factum of the case the respondents are directed to pass final orders in the disciplinary proceedings based on the materials available on record and pass final orders, within a period of four weeks from the date of receipt of a copy of this order.

6. With this direction, W.P.No.18346 of 2016 stands disposed of and in respect of W.P.No.18347 of 2017, by virtue of the interim order, the writ petitioner is continuing in service and no further orders are required and accordingly closed. No costs. Consequently, W.M.P.Nos.16050 & 16051 of 2016 are closed.

s/d-
Assistant Registrar(CS-V)

True Copy

Sub-Assistant Registrar

To

1. The Secretary to Governement
The Government of Tamil Nadu,
Industries (MIC-II) Department, Fort St. George,
Chennai - 600 009.
2. The Commissioner of Sugar, No.690, Anna Salai,
Nandanam, Chennai - 600 009.
3. The Managing Director/Discipline Proceeeding Officer,
Chengalrayan Co-operative Sugar Mills Ltd.,
Periyasevalai - 607 209, Ulundurpet Taluk,
Villupuram District.

+1 Cc to Mr.V. Raghavachari, Advocate sr 67288.
+2 Ccs to Mr.R. Balaramesh, advocate sr 67482.
+2 Ccs to Mr.S. Dhayaleswaran, Advocate sr 67895.

W.P.Nos.18346 & 18347 of 2016

SP(15/11/2017)