

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.09.2017

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.8373 of 2004

S.Rajendran

..Petitioner

Vs.

1.Neyveli Lignite Corporation

Rep. by Deputy Superintendent/G.W.C
Disciplinary Authority
Neyveli 607 803.

2.Deputy Chief Engineer/G.W.C/Mine

Neyveli Lignite Corporation
Neyveli.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorari after calling for the concerned records from the respondents, quash the order of the first respondent bearing Memo No.6433/A5/GM/MI/99 dated 06.07.2001 and order of the second respondent bearing proceedings No.6433/A5/GM/MI/99 dated 17.12.2002 and the modified order of the second respondent bearing proceedings No.6433/A5/GM/MI/99 dated 17.06.2003, as illegal, arbitrary and contrary to the principles of natural justice.

For Petitioner : Mr. Balan Haridas

For Respondents : Mr.N.A.K.Sarma Sathya Rao

सत्यमेव जयते

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O R D E R

The petitioner filed the writ petition to issue a Writ of Certiorari after calling for the concerned records from the respondents, quash the order of the first respondent bearing Memo No.6433/A5/GM/MI/99 dated 06.07.2001 and order of the second respondent bearing proceedings No.6433/A5/GM/MI/99 dated 17.12.2002 and the modified order of the second respondent bearing proceedings No.6433/A5/GM/MI/99 dated 17.06.2003, as illegal, arbitrary and contrary to the principles of natural justice.

2. The second respondent issued a proceeding to the petitioner bearing No.6433/A5/GM/MI/99, dated 17.06.2003 which imposed punishment of reduction of pay by one increment with cumulative effect for the proven misconduct after holding a full-fledged domestic enquiry. The proceeding reads as follows:

"His punishment of withholding of one increment with cumulative effect will be operated for one year with effect from 01.01.2003 and he will continue to draw his same pay of Rs.7900/- till 31.12.2003. He will earn his next increment only on 01.01.2004".

3. Similar type of punishment was challenged by other co-workers by way of writ petition in W.P.No.1465 of 2006. This court, by an order dated 31.08.2010, has confirmed the punishment passed by the appellate authority.

4. In view of the order passed by this court in W.P.No.1465 of 2006, this court is of the opinion that the same would be binding on the present petitioner also.

In the result, the writ petition is dismissed. No costs.

sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

gv

To

1.Neyveli Lignite Corporation
Rep. by Deputy Superintendent/G.W.C
Disciplinary Authority
Neyveli 607 803.

2.Deputy Chief Engineer/G.W.C/Mine
Neyveli Lignite Corporation
Neyveli.

+1 CC Mr.N. NITHIANANDAM Advocate SR.No.70554

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