IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.02.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.2963 of 2017
and WMP.Nos.2848 & 2849 of 2017

1.Smt.V.Shanthi
2.Shri B.Anbuchezhiyan
3.Shri S.Gunasekaran .. Petitioners

vs.

The Chairman,
Chennai Port Trust,
No.1, Rajaji Salai,
Chennai-600 001. .. Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus to call for the records of the respondent made in his notice/order No.A2/1199/2013/T dated 23.12.2016 an quash the same and consequently, direct the respondent to consider the case of the petitioners for promotion to the post of Senior Assistant Traffic Manager, Chennai Port Trust expeditiously within a time frame.

For Petitioners : Mr.S.Silambanan, Senior Counsel
for M/s.Kaavya Silambanan Associates
For Respondent : Mr.R.Karthikeyan

O R D E R

By consent, this Writ Petition is taken up for final disposal.

2. The petitioners are working as Assistant Traffic Manager Grade I in the Traffic Department in the services of the respondent and challenging the legality of the show cause notice dated 23.12.2016 alleging certain irregularities at the time of their selection, came forward with this writ petition.

3.Mr.S.Silambanan, learned Senior Counsel appearing for the petitioners has invited the attention of this Court to the impugned show cause notice dated 23.12.2016 and would submit that the reason cited in the show cause notice are not within the knowledge of the petitioners at all and the contents of the

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same would also disclose predetermination on the part of the respondent Management to terminate the services of the petitioners. The learned Senior Counsel appearing for the petitioners would further submit that in response to the impugned notice dated 23.12.2016, the petitioners had also submitted a detailed reply/response dated 31.12.2016 praying for furnishing of certain documents and the grievance expressed by the petitioners is that since the conclusion has been reached treating their appointment as void abinitio, they are likely to be terminated at any time and prays for appropriate orders.

4. Mr.R.Karthikeyan, learned Standing Counsel who accepts notice on behalf of the respondent would submit that challenging the very appointment of the petitioners, W.P.No.11281 of 2011 has been filed and it is pending adjudication and the impugned notice is merely a show cause notice calling upon the petitioners to submit their explanation and it cannot be construed as predetermination of mind on the part of the respondent to terminate their services and as and when the petitioners furnish their response, it will be considered in accordance with law and also on merits.

5. This Court has considered the rival submissions and also perused the entire materials placed before it.

6. The petitioners, in response to the show cause notice dated 23.12.2016, submitted their interim reply dated 31.12.2016 and also sought for furnishing of certain documents. The respondent shall consider the interim reply of the petitioners dated 31.12.2016 in accordance with law and furnish the documents/permit them to peruse the same subject to availability of the said documents and the petitioners, on receipt of the same, is directed to submit their final reply to the respondent and thereafter, the respondent shall proceed to consider the same on merits and in accordance with law and pass appropriate orders.

7. This Writ Petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

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s/d-
Assistant Registrar(CS-VI)

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Sub-Assistant Registrar

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The Chairman,
Chennai Port Trust,
No.1, Rajaji Salai,
Chennai-600 001.

+3 CC to M/s. Kaavya Silambarasan Associates, sr 7988
+1 CC to Mr. R. Karthikeyan, Advocate sr 7659

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RJ(CO)
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