

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.09.2017

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.30983 of 2004

K.D.Joseph(P.F.No.26165)

... Petitioner

Vs.

1.The Director Personnel,
A.O.Office
Neyveli Lignite Corporation Ltd.,
Neyveli- 607 801.

2.The Deputy Superintending / Vulcanising
(Disciplinary Authority)
Office of the Chief General Manager/Mine-I & IA
Neyveli Lignite Corporation Ltd.,
Neyveli - 607 803.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the records relating to the proceedings of the second respondent Memo No.31/Vig/A5/GM/M1/2001 dated 07.03.2001 and quash the same.

For Petitioner : Mrs.Meenakumari
for Mr.D.Balachandran

For Respondents : Mr.N.Nithiyanandam
Additional Government Pleader

सत्यमेव जयते
O R D E R

Writ Petition has been filed to issue a Writ of Certiorari to call for the records relating to the proceedings of the second respondent Memo No.31/Vig/A5/GM/M1/2001 dated 07.03.2001 and quash the same.

2. Learned counsel for the respondent submitted that in Proc.No.013/12948/DAC/M-I/99 & 2001 dated 20.05.2005, disciplinary proceedings was initiated against the petitioner for the charges against him was that he has cheated many innocent job seekers who are members of the public and taken money from them on the pre-text of securing them employment in NLC. The authority penalised him with "compulsory retirement

from service before attaining the age of superannuation without notice or pay/wages in lieu of notice".

3. Aggrieved by the same, the petitioner filed a Appeal Petition before the Office of the Chief General Manager/MINE-I& IA NLC.Liimited, Neyveli, dated 09.06.2005. On perusing the same, the Disciplinary Authority rejected his petition on 05.08.2005 and confirmed the award holding as follows:

"Though Sri.K.D.Joseph has said in his Appeal that the charges have not been proved in the enquiry, yet, I find from the enquiry records that at least two witnesses namely Sri.Raja and Sri.P.Ranganathan had stated in the enquiry that Sri.K.D.Joseph had taken money from them promising to get jobs either for themselves (Raja) or for their wards (P.Ranganathan), in the Corporation. The evidence of these two witnesses namely Sri.Raja and Sri.P.Ranganathan were not controverted in any manner in the enquiry."

In view of the above submission, this Court finds that nothing would survive for adjudication in the writ petition. Therefore, the writ petition is dismissed. No costs.

s/d-
Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

gv

To

1.The Director Personnel,
A.O.Office
Neyveli Lignite Corporation Ltd.,
Neyveli- 607 801.

2.The Deputy Superintending / Vulcanising
(Disciplinary Authority)
Office of the Chief General Manager/Mine-I & IA
Neyveli Lignite Corporation Ltd.,
Neyveli - 607 803.

+1 Cc to Ms.D. Balachandran, Advocate sr 64336.

+1 Cc to Ms.N. Nithianandan, Advocate sr 64266.

W.P.No.30983 of 2004

RK(CO)
SP(23/10/2017)