

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.01.2017

CORAM

THE HONOURABLE MR. JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE MR. JUSTICE V. PARTHIBAN

Writ Petition No.26404 of 2012
and
M.P.No.1 of 2012

D.SOUNDARAJAN ... Petitioner

Versus

- 1 THE REGISTRAR
CENTRAL ADMINISTRATIVE TRIBUNAL
CHENNAI.
- 2 THE GENERAL MANAGER
OFFICE OF PERSONNEL BRANCH/SHELL
INTEGRAL COACH FACTORY
CHENNAI-38.
- 3 THE CHIEF WORKS ENGINEER - SHELL
OFFICE OF PERSONNEL BRANCH/SHELL
INTEGRAL COACH FACTORY
CHENNAI-38.
- 4 THE DEPUTY CHIEF PERSONNEL OFFICER
OFFICE OF PERSONNEL BRANCH/SHELL
INTEGRAL COACH FACTORY
CHENNAI-38.
- 5 THE WORKS MANAGER
ASSEMBLY / SHELL
INTEGRAL COACH FACTORY
CHENNAI-38
- 6 THE ASSISTANT WORKS MANAGER
ASSEMBLY-1/SHELL
INTEGRAL COACH FACTORY
CHENNAI-38.

.. Respondents

Writ petition has been filed under Article 226 of the
Constitution of India praying for issuance of a Writ of

Certiorarified Mandamus calling for the records pertaining to the issue of the order in M.A.No.303 of 2009 in O.A.No.1253 of 2009 and similarly in O.A.No.1253 of 2009 by the Honourable Central Administrative Tribunal, Chennai, dated 29.3.2011 and quash the same and direct the 2nd and 3rd respondents herein to revise the salary and consequently, pay back wages the benefits and other constitutional benefits on par with to the petitioner services.

For Petitioner : Mr.D.Ashok kumar
For Respondents 2 to 6 : Mr.M.Udhayakumar

ORDER

(Order of the Court was delivered by V.PARTHIBAN,J.)

The Writ Petition is filed against the order passed by the Central Administrative Tribunal, Madras Bench in O.A.No.1253 of 2009 dated 29.03.2011 dismissing the Original Application filed by the petitioner herein.

2. The petitioner approached the learned Tribunal seeking for the following reliefs:-

" To call for the records pertaining to the issue of orders passed in (1) D & AR action duly issued in proceedings bearing No. PB/S/DAR/626812/SF11/OUA dated 30.03.2005 and the consequent order dated 18.05.2005 in withholding one set of privilege pass for which the petitioner is entitled to for the year 2005 duly passed by the Assistant Works Manager, Assembly - 1 / Shell, Integral Coach Factory, Chennai - 600 038, the 5th respondent herein and (2) D & AR action duly issued in proceedings bearing No. PB/S/DAR/62681/SF5/OUA dated 22.11.2005 and the consequent order dated 24.01.2006 in imposing minor penalty directing the withholding of the increment for a period of 3 years in scale 4500 - 7000 duly passed by the Works Manager, Assembly / Shell, Integral Coach Factory, Chennai - 600 308, the 4th respondent herein and quash the same and revise the salary and similarly pay back the benefits and other constitutional benefits on par with his service and for other orders."

3. According to the petitioner, disciplinary action was initiated against him for certain acts of misconduct, since he attempted to expose corruption in the administration in the matter of grant of incentive work to the employees. On conclusion of the Enquiry Proceedings, he was imposed with penalty of withholding of one set of privilege pass, for which he was eligible for the year 2005 and another minor penalty of

withholding of increment for a period of three years, which will not have the effect of postponing the future increments of his pay. These two orders were passed by the proceedings dated 18.05.2005 and 24.01.2006. These proceedings were the subject matter challenged before the learned Tribunal.

4. Before the learned Tribunal, the petitioner contended that the disciplinary proceedings were not conducted as per the prescribed procedure and the petitioner was being victimised for having questioned the officials in the matter of allotment of incentive work to the employees. Merely because the petitioner attempted to expose some corrupt practices in the administration, he was being victimised and several disciplinary actions were initiated against him. In that view of the matter, the petitioner prays for quashing of the disciplinary proceedings against him.

5. On the other hand, it is contended on behalf of the official respondents that the petitioner was in the habit of petitioning the administration being the Office Bearer of the Employees Union, and he had caused legal notice to be issued to the General Manager on 20.09.2005 calling upon the General Manager to render justice to his client by dropping all the charges against him. According to the Management, this legal notice brought the outside influence in the matter of departmental enquiry and therefore, the petitioner was rightly imposed with the penalty, as mentioned above.

6. On taking note of the submissions, the learned Tribunal has concluded against the petitioner on two grounds, viz., there was a delay in filing the application with 1125 days and the petitioner was not able to explain the delay with any convincing reason and in fact, the learned Tribunal was not convinced about the inordinate delay and the application seeking condonation of delay (M.A.No.303 of 2009) was, in fact, dismissed. However, while dismissing the Original Application on the ground of delay, the learned Tribunal went on to record its reasons for dismissing the Original Application on merits. In the conclusion, the Tribunal found that the charge framed against the petitioner was made out, as per the employees admission itself, as found in paragraph-10 of the impugned Judgment. In fact, the Tribunal also found that the entire Original Application was in the nature of a complaint against the Management and the petitioner had not adduced any grounds calling for interference. In such view of the matter, the learned Tribunal dismissed the Original Application, both on the grounds of delay as well as on merits and also on the ground of seeking multiple reliefs in the Original Application.

7. The learned counsel appearing for the petitioner

reiterated his submissions before this Court. The learned counsel appearing for the respondents submitted that there was no merit in the Writ Petition, which call for interference in the orders passed by the learned Tribunal.

8. We gave our anxious consideration to the submissions made on behalf of the counsels appearing for the parties and perused the materials and pleadings on record.

9. As concluded by the learned Tribunal, there are absolutely no grounds to interfere in the impugned order passed by the administration as well as the learned Tribunal and We see no iota of merit in the contention of the petitioner. As such, this Writ Petition is not deserved to be entertained and the same stands dismissed. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

mra

To

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ksj (CO)
md(15/02/2017)

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