

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.09.2017

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.25520 of 2003

S.Kandasamy

... Petitioner

Vs.

1. The Joint Commissioner of Labour,
Anna Nagar,
Madurai-20.

2. The Managing Director,
Bharathi Co-operative
Spinning Mills Limited.
Tuticorin District.

.... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a writ of Certiorarified Mandamus to call for the records comprised in the proceedings of the second respondent in his Rc.No.113/KA/328, dt.28.08.2003 and quash the said proceedings dated 28.08.2003 and consequently forbear the respondents from reverting the petitioner as badly from the post of Tender in the second respondent spinning mills.

For Petitioner : Mr.Rathina Asohan,
For Respondents : Mrs.K.Bhuvaneswari for R1,
Government Advocate.

Mr.L.P.Balaji Ram for R2,

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O R D E R

The petitioner filed this writ petition against the demotion Order passed by the second respondent dated 28.08.2003.

2. The facts of the case leading to the writ petition are as follows:

On 19.06.2002, at 6.50 a.m. the petitioner misbehaved with the Co-workman by dashing with his bicycle, and also abused against him and his family members by calling his Caste with filthy languages. These omissions and commissions on the part

of the petitioner constituted very serious and grave acts of misconduct under Clauses 19(26) and 19(32) of the Certified Standing Orders applicable to the second respondent mill.

3. After the demotion Order was passed against the petitioner, the second respondent initiated the disciplinary proceedings by issuing a Show Cause notice. Thereafter, conducted adjudication and final Order was passed on 28.10.2003, dismissing the petitioner from the Mill. As against which, the petitioner filed writ petition No.10147 of 2010 and the same is pending before the Hon'ble Madurai Bench of this Court.

4. Once consequential order is passed dismissing the petitioner from service, the demotion Order challenging the writ petition does not arise. Accordingly, the writ petition is dismissed. No costs.

-s/d-

Assistant Registrar(CS-II)

True Copy

Sub-Assistant Registrar

msvm

To

The Joint Commissioner of Labour,
Anna Nagar,
Madurai-20.

+1 Cc to Govt. Pleader sr 66235.

+1 Cc to Mr.D. Srinivasa Raghavan, Advocate sr 65368.

+1 Cc to Mr.L.P. Balaji Ram, Advocate sr 65131.

सत्यमेव जयते

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SKV(CO)

sp(03/10/2017)

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