

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 12.7.2018

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.A.No.1238 of 2018
and
C.M.P.No.10212 of 2018

1. The Tamil Nadu Civil Supplies Corporation, rep. by its Senior Regional Manager, Coimbatore Region, Coimbatore 641 030.
2. The Tamil Nadu Civil Supplies Corporation rep. by its Chairman cum Managing Director, 42 Thambuswamy Road, Chennai 600 010.
3. The Tamil Nadu Civil Supplies Corporation, rep. by its Regional Manager, Thiruppur Region, Thiruppur 641 601. ...Appellants/Respondents

Versus

R.Shanmugam ...Respondent/Petitioner

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 26.7.2017 passed in W.P.No.25272 of 2012 on the file of this court.

WP.25272/2012 Prayer: Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records relating to the proceedings Na.Ka.No.D2/4207/10 dated 25.3.2011 of the 1st respondent along with the proceedings No.AD 2/88026/2011 dated 16.8.12 of the 2nd respondent quash both the orders and consequently direct the 3rd respondent to release the consequential benefits with penal interest.

For appellants : Mr.P.Paramasivadoss

For respondent : Mr.S.Venkataraman

JUDGMENT

(Judgment of the court was made by HULUVADI G.RAMESH, J.)

Heard the learned counsel appearing for the for the parties for some time.

2. The writ appeal has been filed by the Department challenging the order passed by the learned Single Judge in allowing the writ petition and thereby quashing the impugned order of punishment of stoppage of one increment with cumulative effect and recovery of a sum of Rs.87,833.90 imposed upon the respondent herein.

3. It appears that the respondent herein was working as Superintendent in the Tamil Nadu Civil Supplies Corporation at the relevant point of time and he was subjected to disciplinary proceedings alleging a misconduct on his part viz., shortage of quantity of grocery items which were to be packed and distributed through public distribution system and after enquiry, he was imposed with the punishment referred to above. Having failed in the departmental appeal, the respondent herein had filed the writ petition.

4. The learned Single, having observed that there was no proper enquiry and the impugned order is a non-speaking order and further, the appellate authority has also not considered the infirmities pointed out in the appeal, allowed the writ petition.

5. It is the stand taken by the appellants that the respondent herein was afforded reasonable opportunity before imposing the punishment.

6. Per contra, it is the submission of the learned counsel for the respondent that no witness was examined and no opportunity was given to the respondent in the enquiry proceedings, before imposing the punishment.

7. In that view of the matter, in modification of the order passed by the learned Single Judge, we direct the appellants to conduct the enquiry afresh by affording opportunity to putforth his case and the matter would be re-considered and order shall be passed on merits and in accordance with law and in compliance of principles of natural justice, within a period of three

months from the date of receipt of a copy of this judgment. The writ appeal is allowed in part to the above extent. No costs. The connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-VII)

// True Copy//

Sub Assistant Registrar

To:

1. The Senior Regional Manager,
The Tamil Nadu Civil Supplies
Corporation,
Coimbatore Region,
Coimbatore 641 030.
2. The Chairman cum Managing Director,
The Tamil Nadu Civil Supplies
Corporation
42 Thambuswamy Road, Chennai 600 010.
3. The Regional Manager,
The Tamil Nadu Civil Supplies
Corporation,
Thiruppur Region, Thiruppur 641 601.

+1cc to Mr.P.Paramasivadoss, Advocate SR.No.46449
+1cc to Mr.S.Venkataraman, Advocate SR.No.45561

W.A.No.1238 of 2018

BR(CO)
SMI/29.08.2018

सत्यमेव जयते

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