

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:09.02.2018

CORAM:

THE HONOURABLE MR. JUSTICE SATRUGHANA PUJAHARI

WP Nos.11044 and 11045 of 2014
and MP.Nos.1 & 1 of 2014

- | | | |
|---------------|----|---------------------|
| 1. A.Karthick | .. | Petitioner in |
| | | WP.No.11044 of 2014 |
| 2. R.Kaveri | .. | Petitioner in |
| | | WP.No.11045 of 2014 |

Vs

- | | |
|---|----------------------------|
| 1. The Senior Regional Manager,
Tamil Nadu State Marketing Corporation Ltd.,
Salem. | |
| 2. The District Manager and Deputy Collector
Tamil Nadu State Marketing Corporation Ltd
Salem District. | |
| 3. The Managing Director,
Tamil Nadu State Marketing Corporation Ltd
Egmore, Chennai. | .. Respondents in both WPs |

Common Prayer:-Writ Petitions filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari to call for the records relating to the proceedings of the 2nd respondent in Na.ka.No.914/A3/2010/C.V, dated 24.02.2014 and quash the same.

For petitioner
in both WPs
For Respondents
in both WPs

: Mr.K.Sasidharan

: Mr.K.Sathish Kumar

COMMON ORDER

These writ petitions have been filed challenging the proceedings of the second respondent in Na.Ka.No.914/A3/2010/C.V dated 24.02.2014, in and by which the petitioners were placed under dismissal. The order is appellable one.

2. Heard the submissions of learned counsel appearing on either side.

3. The learned counsel appearing for the petitioner submit that the disciplinary proceedings having been initiated on the inspection of the Appellate Authority, no useful purpose is going to be served by preferring the appeal against the order of dismissal before the Appellate Authority and as such, he has filed this writ petition here in this Court and hence, the same be disposed of on merits.

4. In response, the learned counsel appearing for the state would submit that an appeal being provided against the same, this Court should not entertain this writ petition and the petitioner, if so

advised, may ventilate his grievance before the Appellate Authority. If the Appellate Authority is any way concerned in the allegation raised against him, the next higher authority may be directed to entertain the appeal and dispose of the same.

5. Needless to say that the petitioner in this writ petition has challenged the acceptability and reliability of the documents in support of the charge which had been accepted in recording a finding of guilt in the disciplinary proceedings. The aforesaid contention of the petitioner, can be appreciated in the Appellate Forum effectively. However, it being the contention that basing on the report of inspection of the Appellate authority, the disciplinary proceeding against him has been initiated, this Court dispose of this writ petition with liberty to the petitioner to challenge the order of removal before the next higher authority of the Appellate Authority/1st Respondent and if such an appeal petition is filed, the authority/1st respondent shall consider and dispose of the same within a month thereof, taking note of the facts and law as well as the materials on record, by reasoned order.

6. Accordingly, these writ petitions stands disposed of with above

direction. Consequently, connected miscellaneous petitions are closed.

No costs.

09.02.2018

rka

Internet: Yes/No
To

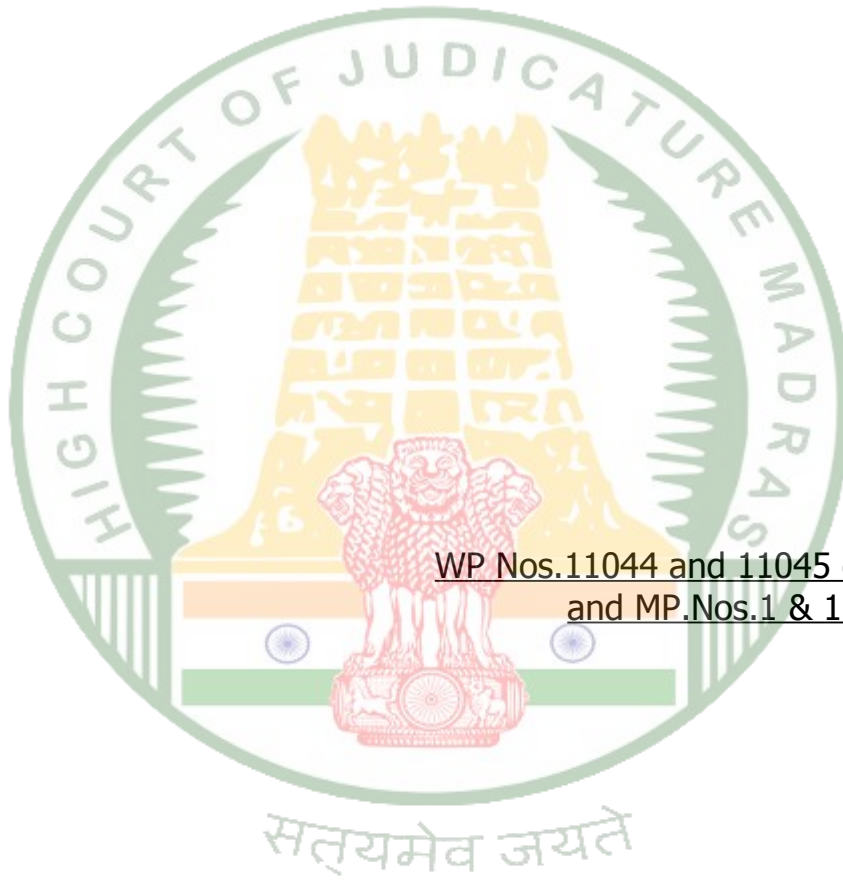
1. The Senior Regional Manager,
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SATRUGHANA PUJAHARI.,J.

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