

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 08.01.2018
CORAM

THE HON'BLE MR.JUSTICE T.RAJA

W.P.No.254 of 2018
and WMP.Nos.315 and 316 of 2018

Dr.V.G.Manikandan

... Petitioner

Vs.

- 1.The Tamil Nadu Civil Supplies Corporation,
Rep. By its General Manager (Administration)
Chennai-10.
- 2.The Tamil Nadu Civil Supplies Corporation,
Rep. By its Managing Director, Chennai-10.... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records relating to the proceedings Na.Ka.No.AD4/55542/2017(2) dated 12.12.2017 of the second respondent, quash the same and consequently direct the 2nd respondent to include the name of the petitioner in the panel of Manager (Quality Control) as on 1st October 2017.

For Petitioner : Mr.S.Venkataraman

For Respondents : Mr.L.P.Shanmughasundaram,
Standing Counsel

O R D E R

This Writ Petition has been filed challenging the impugned show cause notice dated 12.12.2017 issued by the second respondent, proposing to enhance the punishment and for consequential direction to the second respondent to include the name of the petitioner in the panel of Manager (Quality Control) as on 01.10.2017.

2. The petitioner was serving as Deputy Manager (Quality Control), Tiruppur Region in the Tamil Nadu Civil Supplies Corporation during the period 2014-2015 and for certain lapses/irregularities, he was issued with a Charge Memo dated 18.03.2016, framing four charges against him and the petitioner, denying all the four charges, submitted his explanation dated 08.02.2017. An enquiry was ordered to be conducted and notice was issued by the Enquiry Officer and after conclusion of enquiry, the Enquiry Officer held that the petitioner is guilty

of all the four charges. However, the Disciplinary Authority/first respondent, based on the report of the Enquiry Officer, issued a notice dated 18.09.2017 giving severe warning to the petitioner and other co-delinquents. Subsequently, taking note of the fact that though all the charges were proved against the petitioner, for which the petitioner was issued with only severe warning, the second respondent decided to suo motu re-do the enquiry and issued the impugned show cause notice. At this stage, the present writ petition has been filed.

3. The learned counsel for the petitioner, while assailing the impugned show cause notice, submitted that the petitioner and other delinquent officers, namely Tvl.S.Sivakumar, N.Baskaran, A.Ravikumar, Tmt.Sowkathali were imposed with severe warning and one Tmt.R.Rajeswari was imposed with punishment of stoppage of increment for 3 months without cumulative effect and one Mr.M.Sankaran was imposed with punishment of stoppage of increment for one year with cumulative effect and when the disciplinary proceedings come to an end as aforesaid, it is not known as to why the petitioner alone has been singled out for conducting fresh enquiry and therefore, impugned suo motu notice issued by the second respondent is liable to be set aside.

4. Mr.L.P.Shanmughasundaram, learned Standing Counsel takes notice for the respondents.

5. During the course of disciplinary proceedings, no witness was examined and no document was produced in support of the charge memo. However, the Enquiry Officer found the petitioner guilty of the charges and taking into consideration that the Enquiry Officer has not held enquiry in the manner known to law and the Disciplinary Authority issued only severe warning, the second respondent ought to have issued the impugned notice. The learned counsel for the petitioner, in support of his submission, relied on an order passed by this Court dated 03.08.2017 made in W.P.Nos.34765 to 34773 of 2014, wherein this Court, in para 11 of the said order, held that when there is no enquiry held in the manner known to law, punishment cannot be imposed. But the present case stands on a different footing and the reason being firstly, the petitioner was given severe warning, which has not been put to challenge and secondly, the report of the Enquiry Officer has not been questioned. The second respondent, having taken note of the fact that the petitioner was found guilty of all the charges, but he was issued with only severe warning by the Disciplinary Authority, has issued the show cause notice calling upon the petitioner for fresh enquiry by exercising suo motu power of revision. For all these reasons, this Court is not inclined to interfere with the impugned notice issued by the second respondent.

6. This Writ Petition fails and accordingly, it is dismissed. However, granting liberty to the petitioner to submit his explanation to the impugned show cause notice within a period of two weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are dismissed.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

jvm

To

1.The General Manager (Administration),
The Tamil Nadu Civil Supplies Corporation,
Chennai-10.

2.The Managing Director,
The Tamil Nadu Civil Supplies Corporation,
Chennai-10.

+1cc to Mr.S.Venkataraman, Advocate Sr.No.1274

sm:10.1.2018

W.P.No.254 of 2018

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