

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 07.06.2018
CORAM :

THE HONOURABLE MR. JUSTICE SATRUGHANA PUJAHARI

W.P. No.13677 of 2018 and
WMP.No.16128 of 2018

C.Rajendran .. Petitioner

..Vs..

1. The NLC India Limited,
Rep. By its Chief General Manager/Mine-II,
Neyveli,
Cuddalore District.
2. The Disciplinary authority/the chief Manager,
CM/Con.Vul/Mine-II,
NLC India Ltd,
Neyveli,
Cuddalore District. .. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari to call for the records relating to the impugned notice issued by the 2nd Respondent dated 18.05.2018 vide his proceedings in Memo No.M-II/HR/DA CELL/551/1038/2011 and quash the same.

For Petitioner : Mr.M.R.Jothimanian
For Respondents : Mr.N.Nithianandam
(R1 to R2)

O R D E R

This Writ Petition has been filed by the petitioner challenging the show cause notice issued to him on 18.05.2018 by his employer, proposing the punishment of "dismissal from service" , for his conviction in a criminal case.

2.Mr.M.R.Jothimanian, learned counsel for the petitioner would submit that such notice is a prejudged one and therefore it is laible to be quashed but he only seeks some more time to file show cause then the authority be directed to consider his show cause and pass orders.

3. Mr.N.Nithianandam, learned counsel who accepts notice on behalf of the respondents 1 and 2 submits that the show cause notice is not the prejudged one and the petitioner as

such could not come to this Court without filing the show cause in this regard, moreso when he has also not come in a clean hands in as much by intimating the authority that he has filed a Writ Petition challenging the impugned order though not filed deferred the authority from taking any action pursuant to the show cause notice. He would further submit that no action has been taken on the Show Cause Notice.

4. Be that as it may, considering the limited scope of prayer sought for by the petitioner, this Court is of the view that no useful purpose would be served in seeking counter affidavit from the respondents.

5. Hence, this Writ Petition is disposed of with a direction to the petitioner to file reply to the show cause notice within a period of three weeks from today and on receipt of the same, the respondents are at liberty to proceed as per law. It is made clear that if no show cause is filed within the stipulated period, there is no impediment on the part of the respondent to proceed without the show cause, against the petitioner. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

arr
To

1. The NLC India Limited,
Rep. By its Chief General Manager/Mine-II,
Neyveli,
Cuddalore District.
2. The Disciplinary authority/the chief Manager,
CM/Con.Vul/Mine-II,
NLC India Ltd,
Neyveli,
Cuddalore District.

+1 cc to Mr.M.R.Jothimanian Advocate sr 35289
+1 cc to Mr.N.Nithianandam Advocate sr 35618

W.P.No.13677 of 2018

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