

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.04.2018

CORAM

THE HON'BLE MR.JUSTICE M. DHANDAPANI

W.P.No.12846 of 2006 and

W.P.M.P.No.14439 of 2006

1. Mr.V. Ravanan (Deceased)

2. Tmt.R. Kasthuri

3. Tmt.Sowmiya

4. Tmt. Indhuja

(P2 to P4 are substitute as

LRs of Deceased P1.V.Ravanan

as per order dated 18.04.2018 in

WMP.No.11513 of 2018 in

W.P.No.12846 of 2006).

... Petitioners

Vs.

1. The Government of Tamilnadu,
Represented by its Secretary,
Food, Consumer and Protection Department,
Chepauk, Chennai - 600 005.

2. The Director, Sugar Department,
No.690, Anna Salai, Chennai - 600 035.

3. The Administrative Officer,
Chengalvarayan Co-Operative Sugar Mills Limited,
Periyasevalai,
Villupuram District - 607 209.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records of the third respondent in his proceedings Na.Ka.No.196/98/C2/Tho.Na.Aa., dated 20.03.2001, the records of the second respondent in his proceedings Na.Ka.No.17878/Sa.Tho.1/2001, dated 12.11.2001 and in his proceedings Na.Ka.No.7404/Sa.Tho.1/04, dated 27.04.2004 and to quash the same and consequently to direct the respondents to re-instate the petitioner as mazdoor with backwages and attendant benefits.

For Petitioners : Mr.K. Raja

For Respondents 1-2 : Mr.R. Govindasamy
Special Government Pleader

For Respondent-3 : Mr.R. Gopinath

O R D E R

The petitioner has filed this writ petition challenging the order of dismissal passed by the 3rd Respondent / The Administrative Officer, Chengalvarayan Co-Operative Sugar Mills Ltd., in his proceedings dated 20.03.2001 which was confirmed by the second respondent/The Director, Sugar Department, dated 12.11.2001 and 27.04.2004.

2. The case of the petitioner is that the petitioner was joined as Mazdoor under the third respondent/Co-operative Sugar Mills Ltd., in the year 1991. Since the petitioner was unauthorizedly absent from 23.12.1997 to 23.04.1998 for a period of five months a show cause notice was issued. Thereafter, Enquiry Officer was appointed for conducting enquiry and the Enquiry Officer held that the charges were proved and submitted a report and the same was filed before the third respondent/The Administrative Officer.

3. After receipt of the enquiry report, the third respondent/The Administrative Officer passed an order of dismissal on 20.03.2004. Thereafter, the petitioner had filed a Revision Petition before the second respondent/The Director, Sugar Department and the same was rejected on 19.07.2004. Again the petitioner filed a Revision Petition before the Government of Tamil Nadu and the same is pending. Hence, the present writ petition has been filed.

4. During the pendency of the writ petition, the petitioner passed away on 17.06.2016 and the LRs of the petitioner were impleaded as parties in the writ petition vide order dated 18.04.2018 made in W.P.M.P.No.11513 of 2018.

5. The learned counsel appearing for the petitioners would submit that though the Appellate Authority passed an order of dismissal against the deceased petitioner, thereafter, the petitioner himself filed a Revision Petition which is pending before the Government of Tamil Nadu. Hence, without going into the merits of the case, it would suffice if this Court permits the petitioners to persuade their remedy in the Revision Petition pending before the Government of Tamil Nadu.

6. In view of the limited scope of the prayer now sought for by the learned counsel for the petitioners, this Court grants liberty to the petitioners, to persuade their remedy in the Revision Petition pending before the Government of Tamil Nadu. For ready reference, the petitioners are permitted to send a fresh representation to the Government of Tamil Nadu and the Government of Tamil Nadu after receipt of the said representation, shall pass appropriate orders as early as possible.

7. Accordingly, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

msm

To:

1. The Secretary to Government of Tamilnadu
Food, Consumer and Protection Department,
Chepauk, Chennai - 600 005.
 2. The Director, Sugar Department,
No.690, Anna Salai, Chennai - 600 035.
 3. The Administrative Officer,
Chengalvarayan Co-Operative Sugar Mills Limited,
Periyasevalai,
Villupuram District - 607 209.
- +1 cc to Mr.K.Raja Advocate sr 30966
+1 cc to Mr.R.Gopinath Advocate sr 31090

W.P.No.12846 of 2006

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