

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.06.2018

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.26200 of 2006

Subir Kumar Banerjee ... Petitioner

Vs.

1.The Regional Executive Director,
Airports Authority of India,
National Airports Division,
Southern Region, Chennai – 600 027.

2.The Deputy General Manager (P&A)
Airports Authority of India,
Southern Region, Chennai – 600 027. ... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call records relating to the order of the first respondent made in Ref.No.AAI/NAD/M/DISC-ACT/EH dated 26/30.08.2004 and the second respondent's proceedings made in No.AAI/SR/M/32-1(1)/EH dated 06.07.2006, to quash the same and consequently direct the respondents to extend all benefits both service and monetary.

For Petitioner : Mr.L.Chandrakumar
For Respondents : Mr.M.Appaji

ORDER

The petitioner has filed this writ petition seeking issuance of Writ of Certiorarified Mandamus to call for the records relating to the order of the first respondent made in Ref.No.AAI/NAD/M/DISC-ACT/EH dated 26/30.08.2004 and the proceedings of the second respondent made in No.AAI/SR/M/32-1(1)/EH dated 06.07.2006, to quash the same and to consequently, direct the respondents to extend all benefits.

2.The case of the petitioner is that the petitioner was appointed as Stores Clerk on 03.06.1983 and was further posted as Stores Keeper on 09.05.1995 and thereafter, was posted as Senior Assistant (Stores). Whileso, the petitioner was issued with a charge memo dated 20.09.2002 proposing to hold enquiry under Rule 28 of NAA (Employees' Conduct Discipline and Appeal) Regulations, 1988, alleging frequent absence without any intimation or sanction, thereby affecting the normal functioning of the work. After enquiry, the first respondent passed the order dated 26/30.08.2004, imposing the penalty of reversion to the lowest post of Assistant (Stores) with immediate effect. Aggrieved by the said order, the petitioner instead of preferring appeal to the Member (P & A), wrongly preferred appeal

to the first respondent. In the meanwhile, without considering the pendency of the appeal, the impugned order was implemented.

3.The learned counsel appearing for the petitioner would submit that though the petitioner preferred appeal, he preferred the same wrongly before the first respondent. However, copy was marked to the Appellate Authority. But the same was not considered. Hence, it would suffice, if this Court issues a direction to the Member (P & A) to pass appropriate orders on the appeal within a reasonable time.

4.The learned counsel appearing for the respondents fairly accepted the limited request made by the learned counsel appearing for the petitioner.

5.Accordingly, the writ petition stands disposed of with a direction to the Member (P & A) to pass appropriate orders on the appeal preferred by the petitioner, within a period of three months from the date of receipt of a copy of this order. Since the Appellate Authority is not a party to this writ petition, liberty is granted to the petitioner to send a copy of the original representation along with a copy of this order and connected records, so as to enable the Appellate

M.DHANDAPANI,J.

Authority to pass orders. No costs. Consequently, connected
miscellaneous petition, if any, is also closed.

08.06.2018

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Speaking Order/ Non Speaking Order
Index: Yes/ No
Internet: Yes/ No

To

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- 2.The Deputy General Manager (P&A)
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