



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.07.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P.No.24976 of 2010

V.Umapathy

.. Petitioner

Vs.

1.The Chairman-cum-Managing Director,
Tamilnadu Medicinal Plant Farms and Herbal
Medicine Corporation Limited (TAMPCOL),
(A Government of Tamilnadu Undertaking),
Arumbakkam, Chennai - 600 106.

2.The General Manager,
Tamilnadu Medicinal Plant Farms and Herbal
Medicine Corporation Limited (TAMPCOL),
Arignar Anna Hospital Campus,
Arumbakkam, Chennai - 600 106.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of writ of Certiorarified Mandamus to call for the records relating to the impugned order of the 1st respondent in Na.Ka.No.A1/1008/09 dated 12.08.2010 and the order of the 2nd respondent in Na.Ka.No.A1/1008/09 dated 17.12.2009 and quash the same and direct the respondents to reinstate the petitioner in service with full back-wages, continuity of service and all other attendant benefits.

For Petitioner	:	Mr.T.N.Sugesh
For R1	:	No Appearance
For R2	:	No Appearance

O R D E R

The present Writ Petition is filed for issuance of writ of Certiorarified Mandamus, calling for the records relating to the impugned order of the 1st respondent in Na.Ka.No.A1/1008/09 dated 12.08.2010 and the order of the 2nd respondent in Na.Ka.No.A1/1008/09 dated 17.12.2009 and quash the same and direct the respondents to reinstate the petitioner in service with full back-wages, continuity of service and all other attendant benefits.



2. Heard the learned counsel appearing for the petitioner and perused the entire materials on record.

3. The petitioner was initially appointed as Casual Labourer in Arignar Anna Hospital, Arumbakkam, Chennai on 19.09.1985 and he was further designated as Mazdoor. Due to various vindictive acts against the petitioner, he was placed under suspension by an order dated 01.09.2009 and on 01.10.2009, a charge memo was issued to the petitioner containing seven charges.

4. The learned counsel appearing for the petitioner made various submissions on merits and has contended that the charges leveled against the petitioner are vague and no witness was examined to prove the charges leveled against the petitioner in the domestic enquiry. The second respondent mechanically accepted the report of the Enquiry Officer and passed the order of removal. The petitioner is now challenging the order of dismissal passed by the second respondent in Na.Ka.No.A1/1008/09 dated 17.12.2009. The petitioner filed an appeal before the first respondent, raising various objections. The first respondent without considering any of the objections raised by the petitioner, dismissed the appeal and prayed for setting aside the orders passed by the respondents.

5. Though notice has been served on the respondents and their names are printed in the cause list, there is no representation, either in person or through counsel.

6. From the materials available on record, it is seen that the petitioner has raised various objections before the first respondent. From the order of the first respondent, it is seen that the first respondent has dismissed the appeal on the ground that the petitioner has not made any new explanations (grounds) or documents. When the Appellate Authority confirmed the order of the Disciplinary Authority, elaborate reasons need not be given. But the Appellate Authority must consider the objections raised by the petitioner in the appeal and must give reasons for rejecting the appeal. In the present case, the petitioner has raised various grounds in the appeal. The first respondent has not considered any of the grounds raised by the petitioner and has not passed any speaking order. In view of the same, the order of the first respondent is set aside and the appeal is remanded to the first respondent for fresh consideration. The first respondent is directed to dispose of the appeal and pass orders on merits and in accordance with law, within a period of three months from the date of receipt of a copy of this order. The petitioner is also permitted to raise additional grounds and documents in the appeal.



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7. With the above direction, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

krk

To

1. The Chairman-cum-Managing Director,
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Medicine Corporation Limited (TAMPCOL),
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2. The General Manager,
Tamilnadu Medicinal Plant Farms and Herbal
Medicine Corporation Limited (TAMPCOL),
Arignar Anna Hospital Campus,
Arumbakkam, Chennai - 600 106.

+1cc to Mr.H.Rajasekar , Advocate SR.No. 60558

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A.SK(29/08/2019)