

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 10.04.2019

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.34592 of 2005

T.N.Subramaniyan

...Petitioner

Vs

1.The Chairman,
Pondicherry Agro Service and
Industries Corporation Limited,
Thattanchavadi,
Pondicherry - 9.

2.The Managing Director,
Pondicherry Agro Service and
Industries Corporation Limited,
Thattanchavadi,
Pondicherry - 9.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Certiorarified Mandamus, calling for the concerned records relating to the order No.PASIC/ESTT/PF/95, dated 19.10.2005, passed by the 2nd respondent and quash the same in so far as it restores his position prospectively and consequently direct the respondents to restore his position to the post of Depot Manager with effect from 24.08.2004 with all consequential monetary and other service benefits.

For Petitioner : M.Gnanasekar

For Respondents: Mr.T.M.Naveen
for Mrs.D.Kamatchi

O R D E R

Challenging the order of the second respondent herein, whereby, the earlier punishment of retrenching the petitioner to a lower stage was revoked prospectively with effect from 01.10.2005, the present writ petition has been filed.

2. The learned counsel for the petitioner submitted that since the respondents have taken a decision to revoke the suspension, the same has to be done retrospectively from the date on which the reversion was made.

3. The learned counsel for the respondent submitted that pursuant to the enquiry, the Enquiry Officer had recommended the extreme punishment of dismissal from service. However, the second respondent had taken a lenient view and had imposed a lesser punishment of reversion of the petitioner to a lower post. On appeal, the first respondent herein had modified the order of punishment by setting aside the order of reversion prospectively, which has been challenged in the present writ petition.

4. The learned counsel for the respondent submitted that the impugned order of the first respondent herein came to be passed based on the request made by the petitioner herein, wherein, he had sought for implementation for the first respondent's order. Even otherwise, he submitted that the petitioner herein has himself admitted his liability and had repaid the money along with interest. As such, the punishment is very much in proportion with the charges leveled against him.

5. At this juncture, it is brought to the notice of this Court that the petitioner herein had also filed another writ petition seeking for payment of his terminal benefits, which is pending before this Court. The relief sought for in the writ petition in W.P.No.1847 of 2018 also includes for the period for which the petitioner seeks for retrospective terminal benefits.

6. Nevertheless, since the present impugned order came to be passed on the instance of the petitioner herein, who wanted the order of the first respondent to be implemented, it would not be appropriate to consider the prayer sought for in the present writ petition for retrospective consideration of appointing the petitioner to the reverted post. Now, that the petitioner has reached the age of superannuation and if, he is still of the view that he is entitled for the prospective backwages for the post of Depot Manager, it is open to him to workout his remedy in the other writ petition filed before this Court, wherein he has sought for his terminal benefits, or through separate proceedings.

7. In the light of the above observations, no further orders are required in the present writ petition. Accordingly, the writ petition stands closed. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

jas/hvk

To

1.The Chairman,
Pondicherry Agro Service and
Industries Corporation Limited,
Thattanchavadi,
Pondicherry - 9.

2.The Managing Director,
Pondicherry Agro Service and
Industries Corporation Limited,
Thattanchavadi,
Pondicherry - 9.

+lcc to Mr.Jotheeswaran, Advocate sr.35111

W.P.No.34592 of 2005

mg(co)
nr 24/06/2019

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