

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 22.04.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.38677 of 2005

C.N.Pradeep

... Petitioner

Vs.

1. Chairman and Managing Director,  
Bharat Petroleum Corporation Ltd.,  
Bharat Havan, 4 & 6 Currimbhoy Road,  
Ballard Estate, Mumbai 1.

2. Director (Marketing),  
Bharat Petroleum Corporation Ltd.,  
II Floor, Z16, 11th Street,  
Anna Nagar West, Chennai 40.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records relating to the order passed by the second respondent in LPG:HR:DISC dated 11.08.2004, as confirmed by the first respondent in the order CHRS:DISC:CON dated 27.04.2005 and quash the same, and direct the respondents to reinstate the petitioner in service, with all the consequential benefits.

For Petitioner : Mr.T.Sellapandian

For Respondents : Mr.Anand Gopalan  
for M/s.T.S.Gopalan & Co.

O R D E R

The petitioner herein, while employed as a Manager in the respondent Regional Office, was dismissed from service through an order dated 11.08.2004, which is under challenge in the present Writ Petition. Pending the Writ Petition, the petitioner had attained the age of superannuation on 31.05.2018.

2. The charges levelled against the petitioner seems to be serious in nature and the petitioner herein has been levelled with the punishment of dismissal from service. It is also

brought to the notice of this Court that after the dismissal order, the petitioner has been employed in various establishments from 2004 onwards. The Deputy Manager (HRS) attached to the respondent Corporation has filed an affidavit dated 20.03.2009 stating that the petitioner herein was employed between 2004 and 2006 as Principal of ICFAI Business School, from 2006 to 2010 as Deputy General Manager with Consolidated Construction Consortium Ltd., from 2010 to 2012 as General Manager (Commercial) of Infrastructure Construction of Bateman India Ltd., and till 2016 as CEO of International Trade of Ascendas Inc & Director Technical / Commercial Advisor in Titanus Ltd., London and currently as Director, Marketing of Soulyatna Marketing Pvt. Ltd. Those statements made in the affidavit have not been countered by the petitioner.

3. I have gone through the dismissal order, in which, it is stated that the petitioner herein had been properly enquired by the Enquiry Officer and taking into account the charge under Clause 2, which is grave and serious in nature, the petitioner was dismissed from service of the respondent Corporation. Now that the petitioner has been gainfully employed and also taking into account the fact that he has attained the age of superannuation, ordering of reinstatement will not be appropriate. Likewise, the petitioner will not be entitled to monetary benefits, in view of the gainful employment after his dismissal. In view of the same, no interference is required in the impugned orders in the present Writ Petition.

4. With the above observations, the Writ Petition stands closed. No costs.

Sd/-

Assistant Registrar(CS VI)

//True Copy// सत्यमेव जयते

Sub Assistant Registrar

pvs

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To

1. Chairman and Managing Director,  
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Ballard Estate, Mumbai 1.

2. Director (Marketing),  
Bharat Petroleum Corporation Ltd.,  
II Floor, Z16, 11th Street,  
Anna Nagar West, Chennai 40.

+1cc to M/S.T.S.Gopalan & Co., Sr.38112  
+1cc to M/S.C.S.Associates, Sr.38431

W.P.No.38677 of 2005

sj[co]  
srg 18/06/2019



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