

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P.No.21047 of 2019
& WMP.No.20228 of 2019

Sitrarasu Kopa

.. Petitioner

Vs

The Management of NLC India Limited,
rep. By D.G.M/HR(HOHR)/MINE-1,
Disciplinary Authority,
Neyveli

.. Respondent

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus to call for the records on the file of the respondent in Suspension Order No.MI/HR/DAC/278-77/2019, dated 21.06.2019 and Charge Memo No. MI/HR/DAC/278-77/2019, dated 24.06.2019 and quash the same and consequently direct the respondent to permit the petitioner to join duty with arrears of back wages.

For Petitioner : Mr.D.Bharathy

ORDER

This petition has been filed seeking for issuance of a Writ of Certiorarified Mandamus to call for the records on the file of the respondent in Suspension Order No.MI/HR/DAC/278-77/2019, dated 21.06.2019 and Charge Memo No. MI/HR/DAC/278-77/2019, dated 24.06.2019 and quash the same and consequently direct the respondent to permit the petitioner to join duty with arrears of back wages.

2. The writ petition has been filed challenging both the suspension order as well as the charge memo issued against the petitioner dated 21.06.2019 & 24.06.2019 respectively. The suspension order was issued pending contemplation of charges against the petitioner for certain acts of mis-conduct. Thereafter, a charge memo was issued containing certain acts of mis-conduct alleged to have been committed by the petitioner in discharge of his duty as Sr.Tech.Gr.I.

3. The petitioner is assailing both the suspension order as well as the charge memo on the basis of certain factual averrments as contained in the affidavit filed in support of the writ petition stating that he was unjustly framed in respect of charges and he was innocent. The grounds raised in the writ petition did not merit any serious consideration by this Court for the simple reason that no infirmities have been pointed out in issuing the suspension order as well as the charge memo against the petitioner.

4. The petitioner has come forward with this writ petition assailing both the suspension as well as charge memo on the basis of self-serving averments which cannot be adjudicated by this Court and intervene at this stage. If the petitioner feels so strong about his innocence, it is always open to him to participate in the enquiry to be set in motion in pursuance of the charge memo and and prove the same and it is certainly not open to him to approach this Court and seek its intervention at this stage.

5. In the above circumstances, this Court is of the view that the writ petition is too pre-mature to be entertained both in respect of suspension order as well as the charge memo issued against the petitioner. Even otherwise, this Court is unable to appreciate as to how two separate cause of actions like suspension order and charge memo can be challenged in one writ petition and on this ground alone, this writ petition is liable to be dismissed. Needless to mention that challenge to charge memo and suspension can be made on two sets of different grounds and the same cannot be clubbed altogether by a common challenge.

6. In view of the above, this Court is of the considered view that the writ petition entirely is not maintainable and hence, the same is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

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To

Sub Assistant Registrar

The Management of NLC India Limited,
rep. By D.G.M/HR(HOHR)/MINE-1,
Disciplinary Authority,
Neyveli

W.P.No.21047 of 2019

AD(CO)
SSM(21/08/2019)