

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.09.2019

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.26377 of 2019

and

W.M.P.Nos.25741 and 25742 of 2019

C.Jayamani

... Petitioner

Vs.

1. The Managing Director,
Central Warehousing Corporation,
4/1, Siri Institutional Area,
Kranthi Marg, Hauz, Khas,
New Delhi-110 016.
2. The Group General Manager (Pers) /
Disciplinary Authority,
Central Warehousing Corporation,
Corporate Office,
New Delhi- 110 016.
3. The Deputy General Manager (Pers) /
Disciplinary Authority,
Central Warehousing Corporation,
Corporate Office,
New Delhi- 110 016.

... Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned orders dated 29.05.2019 and 10.06.2019 in No.CWC/XIII-9/Vig.Udumalpet/2018/AV passed by the 2nd respondent herein and to quash the same as illegal and directing the 1 to 3 Respondents to pay the entire terminal benefits accrued from the date of retirement.

For Petitioner : Mr.S.Muthuraman

For Respondents : M/s.Ashok Menon,
Standing Counsel for CWC.

O R D E R

This writ petition is filed seeking to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned orders dated 29.05.2019 and 10.06.2019 in No.CWC/XIII-9/Vig.Udumalpet/2018/AV passed by the 2nd respondent herein and to quash the same as illegal and directing the 1 to 3 Respondents to pay the entire terminal benefits accrued from the date of retirement.

2. Heard the learned counsel appearing for the petitioner and the learned standing appearing for the respondents.

3. The case of the petitioner is that the petitioner was a Junior Superintendent of Central Warehousing Corporation at Udumalpet from 31.03.2016 till 22.05.2017 with the duty of taking valuation of stocks of depositors. All the depositors availed loan from IDBI Bank and submitted invoices. The petitioner received and arrived 85% of the invoice amount to be the final value as instructed by the Respondents. He has done blemishless service and not caused any loss to the employer. On 22.11.2017, the 3rd respondent issued a charge memorandum against the petitioner stating that an enquiry to be conducted on misconduct under Regulations 39(i) (a) (b) (c) read with Regulation 40(i) (v) of CWC Staff Regulations 1986.

4. The petitioner was charged as if he was negligent in issuing 24 numbers of NCW receipts without proper valuation and grading of stocks, despite none of the allegations are applicable to the petitioner. In the meanwhile the petitioner was retired and relieved from service on 30.11.2017. After retirement inspite of several demands the petitioner was not allowed to get his termination benefits but only the Provident Fund amount is paid. The Gratuity plus leave surrender bill amount for 300 days and Pension Benefits were denied by stating that the petitioner had not given written explanation for the charges.

5. On 28.12.2017, the petitioner submitted written explanation denying all the charges to the 3rd respondent with a prayer to drop all the charges but no steps were taken. On 28.04.2018 another statement was submitted to the 3rd respondent for which also there was no response. On 03.10.2018, the 3rd respondent passed an order appointing two officers for enquiry and it was objected by the petitioner on the ground that they were not technical persons. Then the petitioner gave representation on 18.10.2018 to the 1st respondent to release his terminal benefits and received no reply. Again it was repeated on 13.12.2018 and it was also not responded. But, on 29.05.2019,

the 3rd respondent passed the impugned order to conduct enquiry against the petitioner. Subsequently, on 10.06.2019 also another impugned order was passed to conduct enquiry for the reasons best known to them. Still there is no progress and the petitioner was prevented from getting his retirement benefits without any valid ground and therefore, he has filed this writ petition challenging the impugned orders dated 26.05.2019 and 10.06.2019 as illegal and consequently to direct the respondents to release the terminal benefits to him.

6. On 28.12.2017, the petitioner submitted written explanation denying all the charges to the 3rd respondent with a prayer to drop all the charges but no steps were taken. On 28.04.2018 another statement was submitted to the 3rd respondent for which also there was no response, however, till date, his representation was not considered and enquiry was not concluded and the petitioner was not paid any terminal benefits till date.

7. The learned counsel appearing for the petitioner would submit that it would suffice, if this Court issues direction to the respondents to consider the petitioner's representation and pass appropriate orders, within the time frame fixed by this Court.

8. Considering the facts and circumstances of the case and since the enquiry is pending right from 2017 till date, and the same was not considered, I am inclined to issue a direction to the 1st respondent to complete the enquiry and pass appropriate orders on merits and in accordance with law within a period of six weeks from the date of receipt of a copy of this order. The petitioner is also directed to co-operate with the enquiry.

9. The writ petition is accordingly disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.

सत्यमेव जयते

Sd/-

Assistant Registrar

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Sub Assistant Registrar

ssn

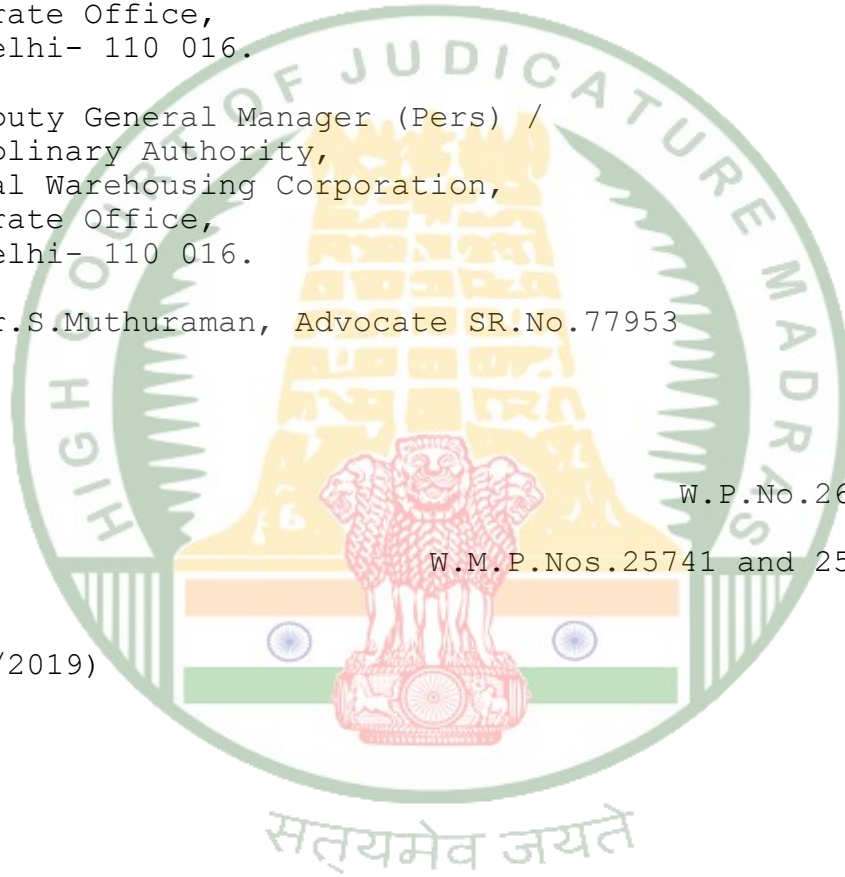
To

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+1cc to Mr.S.Muthuraman, Advocate SR.No.77953

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GP(CO)
GMY(01/11/2019)



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