

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date: 28.08.2019

CORAM

THE HON'BLE MR. JUSTICE V.PARTHIBAN

Writ Petition No.21837 of 2019

&

W.M.P.No.21053 of 2019

A.Ayyasami

...Petitioner

Vs.

The Chairman,
Chennai Port Trust,
Rajaji Salai,
Chennai - 600 001.

...Respondent

Writ Petition filed under Article 226 of Constitution of India, for issuance of writ of certiorari calling for the records of the respondent in his proceedings No.V4/264/2017/Vig dated 17.07.2019 and quash the same.

For Petitioner : Mr.V.Vijay Shankar

For Respondent : Mr.P.M.Subramanian, SC

ORDER

The petitioner has entered the service of the respondent Port Trust in 1984. According to him, due to his hard work, he rose to the level of Material Manager in 2015. A tender was called for disposal of top layer residual iron ores fines for 2016-2017. As per the procedure, the Chief Mechanical Engineer as Head of the Department sent proposal to the Port Trust approved Valuer for assessment of quantity and value of iron ores fines. Thereafter, it appears that the approved Valuer sent the value of iron ore in a sealed cover to the CME, HoD and the assessment of quantity in an open cover. In turn, the CME would send a proposal to the Chairman for permitting the e-auction committee to open to sealed cover and for permitting the e-auction committee to keep the price valued by the approved valuer as a reserved price. Once the approval is obtained from the Chairman, the sealed cover will be sent to the e-auction committee by the CME.

2. In regard to the above, noticing some irregularity, the petitioner was placed under suspension, on 17.07.2019, on the eve of his retirement on 31.07.2019. Since there is no provision in the Chennai Port Trust Employees' (Classification, Control & Appeal) Regulations, to keep any employee of the Central Government under suspension after they attain the age of superannuation, before the retirement of the petitioner, it appears that a charge memorandum has been issued, on 25.07.2019, containing certain articles of charges in regard to the above transaction.

3. Shri.V.Vijay Shankar, learned counsel appearing for the petitioner would submit that in response to charge memorandum, a reply has also been submitted. In view of the pendency of the disciplinary action against the petitioner, the petitioner apprehends that the departmental proceedings may be unduly delayed and in which event, the retirement benefits, as admissible to him, may not be paid in the near future and therefore, the learned counsel for the petitioner would submit that a direction may be issued to the respondent to complete the disciplinary action pending against the petitioner within a reasonable time to be fixed by this Court.

4. At this, the learned counsel Mr.P.M.ubramanian, appearing for the respondent Port Trust would submit that the completion of disciplinary action may take sometime and therefore, he would request this Court to fix a longer time for completion of the disciplinary action, since the Port Trust may have to consult and take the guidance of Central Bureau of Investigation in the matter. In any case, the learned counsel would have no objection for issuing direction to the respondent to complete the enquiry within the time to be fixed by this Court.

5. Considering the above submissions, without expressing any opinion on the claim of the writ petitioner, the writ petition shall stand disposed of as under;

The respondent Port Trust is directed to dispose and complete the Departmental proceedings initiated against the petitioner in pursuance of the charge-memorandum dated 25.07.2019, after affording reasonable opportunity to the petitioner in line with the disciplinary proceedings and complete the same within a period of six months from the date of receipt of copy of this order. It is also made clear that the petitioner shall extend his cooperation for the early completion of the disciplinary proceedings initiated against him.

No costs. Connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(Insp.Cell)

//True Copy//

Sub Assistant Registrar

To

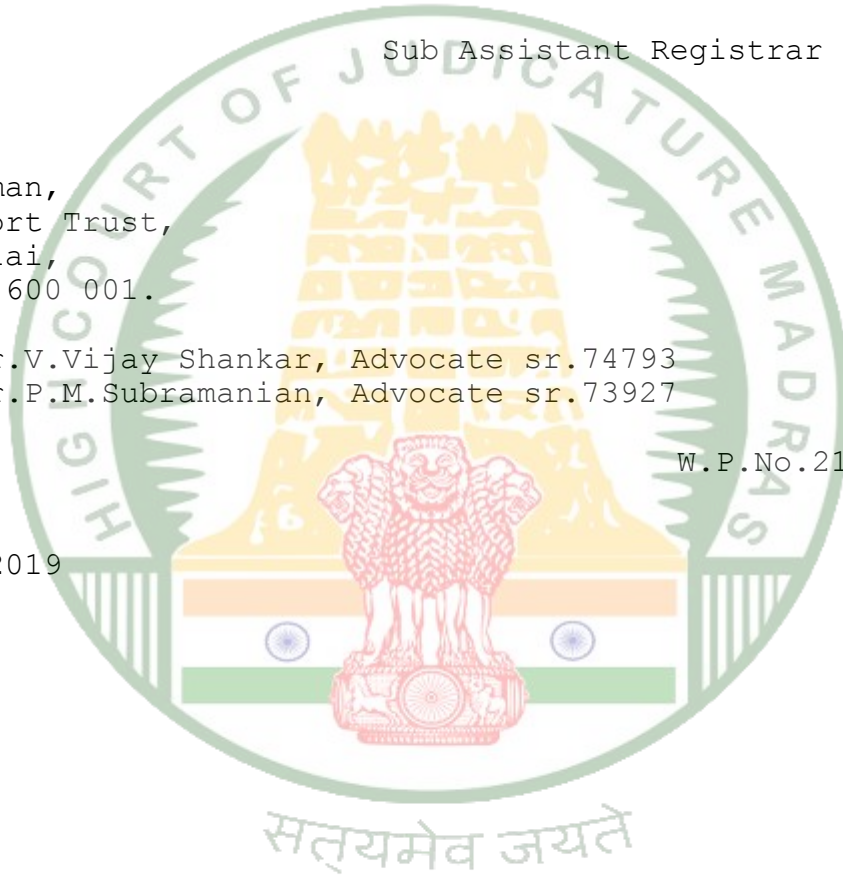
The Chairman,
Chennai Port Trust,
Rajaji Salai,
Chennai - 600 001.

+1cc to Mr.V.Vijay Shankar, Advocate sr.74793

+1cc to Mr.P.M.Subramanian, Advocate sr.73927

W.P.No.21837 of 2019

rsv(co)
nr 19/09/2019



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