



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 27.04.2019
CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

WEB COPY

W.P(MD)No.10487 of 2019 and
WMP(MD).Nos.8047 and 8048 of 2019

M.Soundararajan

... Petitioner

Vs.

1. The Managing Director,
TNCSC, Head Office,
No.12, Thambusamy Road,
Kilpauk, Chennai.
2. The General Manager (Administration),
TNCSC, Head Office,
No.12, Thambusamy Road,
Kilpauk, Chennai.
3. The Zonal Manager,
TNCSC, Dindigul Zone,
Dindigul, Dindigul District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus calling for the records of the 2nd respondent proceeding vide Se.Mu.AA.No.AD2/48543/2018, dated 19.02.2019 blacklisting the petitioner for three years from service and quash the same and direct the respondents to reinstate the petitioner as a Seasonal Clerk.

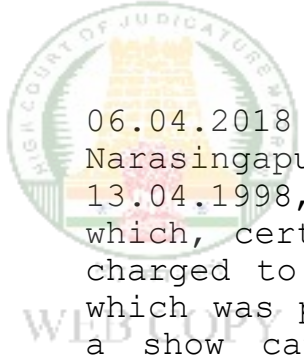
For Petitioner : Mr. G.V. Vairam Santhosh
For R1 to R3 : Mr. P. Seetharaman

ORDER

This writ petition has been filed to call for the records of the 2nd respondent's proceedings in Se.Mu.AA.No.AD2/48543/2018, dated 19.02.2019 blacklisting the petitioner for three years from service and quash the same and to direct the respondents to reinstate the petitioner into service as a Seasonal Clerk.

2. Mr.P. Seetharaman, learned Standing Counsel takes notice for the respondents. By consent, the writ petition is taken up for final disposal at the admission stage itself.

3. It is the case of the petitioner that he was appointed as a Seasonal Clerk by the proceedings of the third respondent dated



06.04.2018 and he was posted to Direct Paddy Procurement Centre, Narasingapuram, Dindigul District. While so, on 12.04.1998 and 13.04.1998, surprise inspection was done, during the course of which, certain irregularities were found out and the petitioner was charged to pay a sum of Rs.28,014/- towards quality cut for paddy, which was paid by him. Subsequently, the petitioner was issued with a show cause notice, to which, he sent a representation dated 26.11.2018. However, the third respondent passed an order blacklisting the petitioner from service for three years. Challenging the same, the petitioner preferred an appeal on 30.11.2018 to the second respondent, who, in turn, rejected the said appeal, vide order dated 19.02.2019, which is impugned herein.

4. The learned counsel for the petitioner submitted that the 2nd respondent has not adduced any reason for rejecting the appeal filed by the petitioner and confirming the order passed by the third respondent blacklisting the petitioner from service for three years and hence, the order impugned herein is liable to be set aside.

5. The learned counsel appearing for the respondents fairly conceded the submission so made by the learned counsel for the petitioner.

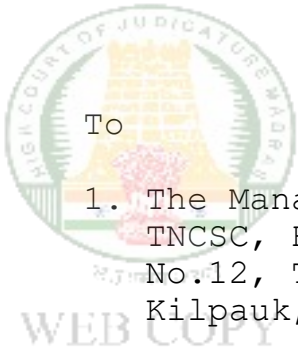
6. This Court is of the view that the recording of reasons is principles of natural justice and every order must be supported by reasons recorded in writing; it ensures transparency and fairness in decision making; and the person who adversely affected, may know, as to why his application has been rejected.

7. After hearing both sides and upon perusal of the documents filed in the form of typed set of papers, it is quite apparent that the order is a cryptic one, without having any reason. In such circumstances, the impugned order passed by the 2nd respondent, dated 19.02.2019 is set aside and the matter is remitted back to the second respondent for passing afresh order, on merits and in accordance with law, by considering each and every grounds raised by the petitioner. Such an exercise shall be completed within a period of six weeks from the date of receipt of a copy of this order.

8. This writ petition is allowed to the extent as indicated above. No costs. Consequently, connected Miscellaneous Petitions are closed.

sd/
Assistant Registrar

/True Copy/



To

1. The Managing Director,
TNCSC, Head Office,
No.12, Thambusamy Road,
Kilpauk, Chennai.

2. The General Manager (Administration),
TNCSC, Head Office,
No.12, Thambusamy Road,
Kilpauk, Chennai.

3. The Zonal Manager,
TNCSC, Dindigul Zone,
Dindigul, Dindigul District.

+1 CC to Mr.G.V.VAIRAM SANTHOSH, Advocate (SR-63405[F] dated 27/04/2019)

+1 CC to Mr.P.SEETHARAMAN, Advocate (SR-63923[F] dated 29/04/2019)

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27.04.2019

trp/rk

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