



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.12.2019

CORAM

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P (MD)No.27250 of 2019

and

W.M.P (MD)Nos.23538 and 23539 of 2019

R.Manivannan

.. Petitioner

Vs.

1.The Chairman cum Managing Director,
Appellate Authority,
The Cotton Corporation of India Limited,
Kapas Bhavan,
Plot No.3A,
Sector 10, CBD, Belapur,
Navi Mumbai-400614.

2.The Director (Marketing)/Disciplinary Authority,
The Cotton Corporation of India Limited,
Kapas Bhavan,
Plot No.3A,
Sector 10, CBD, Belapur,
Navi Mumbai-400614.

3.M.Neelameham,
Senior Manager (Human Resources) Retired,
National Textile Corporation,
Inquiry Officer,
The Cotton Corporation of India Limited,
Kapas Bhavan,
Plot No.3A,
Sector 10, CBD, Belapur,
Navi Mumbai-400614. .. Respondents

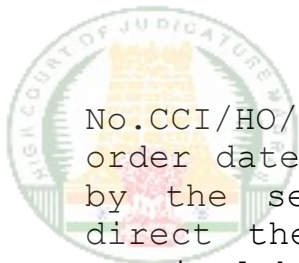
PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, to call for records relating to the impugned order dated 25.11.2019 in Reference No.CCI/HO/CMD/2019 passed by the first respondent confirming the impugned order dated 17.04.2015 in Reference No.CCI/D(MKTG)/O.O/2015 passed by the second respondent and quash the same and consequentially direct the respondents 1 and 2 to pay all the retirement and terminal benefits to the petitioner.

For Petitioner

: Mr.T.R.Jeyapalam

ORDER

This writ petition has been filed for issuance of a Writ of Certiorarified Mandamus to call for records relating to the impugned order dated 25.11.2019 passed in Reference



No.CCI/HO/CMD/2019 by the first respondent confirming the impugned order dated 17.04.2015 in Reference No.CCI/D(MKTG)/O.O/2015 passed by the second respondent and quash the same and consequently direct the respondents 1 and 2 to pay all the retirement and terminal benefits to the petitioner.

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2.Since the first respondent has passed the impugned order dated 25.11.2019 without considering the earlier order passed in the earlier round of litigation in W.P(MD)No.7522 of 2015, notice to the respondents is dispensed with.

3.The order of termination, dated 17.04.2015, passed by the second respondent, was under challenge, in the earlier round of litigation in W.P(MD)No.7522 of 2015 and this Court had dismissed the writ petition, by giving liberty to the writ petitioner to file an appeal before the competent appellate authority within a period of six weeks from the date of receipt of the copy of the order and on filing such appeal, the appellate authority was directed to condone the delay, take up the appeal on record, conduct enquiry into the matter by affording due opportunity to the writ petitioner and pass orders on merits and in accordance with law.

4.A perusal of the impugned order shows that the 1st respondent appellate authority has not considered the contentions of the petitioner and has also passed a cryptic order and therefore, this Court is inclined to set aside the same and remand back the matter to the 1st respondent. Accordingly, the impugned order dated 25.11.2019, passed in Reference No.CCI/HO/CMD/2019, by the 1st respondent is set aside and the matter is remanded back to the 1st respondent and the 1st respondent shall pass orders strictly in compliance with the order passed by this Court, in W.P(MD) No.7522 of 2015, dated 19.01.2017, within a period of twelve (12) weeks from the date of receipt of a copy of this order.

5.With the above observations and directions, this Writ petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar ()

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/ /2020

Sub Assistant Registrar (CS)



To

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- 1.The Chairman cum Managing Director,
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+1 CC to Mr.T.R.JEYAPALAM, Advocate (SR-106199[F] dated 20/12/2019)

**ORDER MADE IN
W.P (MD) No.27250 of 2019
20.12.2019**

KM/(20.01.2020) 3P 4C