

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.11.2020

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No.17948 of 2007(T)

A.Sirajudeen

..Petitioner

Vs

1. The State of Tamil Nadu,
Rep.by its Secretary to Government,
Labour and Employment Department,
Fort St.George, Chennai - 600 009.
2. The Commissioner of Labour,
Teynampet, D.M.S.Compound,
Chennai - 600 006.
3. The Tamil Nadu Public Service Commission,
Rep.by its Secretary,
Government Estate,
Chennai - 600 002.
4. The Enquiry Officer and
Joint Commissioner of Labour,
Coimbatore.

..Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, seeking issuance of a writ of certiorari to call for the records on the file of the respondents in connection with the impugned orders passed by the first respondent in G.O(D).No.111 Labour and Employment dated 11.02.2000 and G.O.(D).No.359 Labour and Employment dated 19.03.2003 and quash the same with all consequential benefits.

For Petitioner : Mr.V.Suthakar

For Respondents : Mr.K.Magesh
Special Government Pleader
for R1, R2 and R4
Mr.Balamurali Krishna
Standing Counsel for R3

O R D E R

The prayer sought for in the writ petition is for issuance of Writ of Certiorari to quash the impugned order passed by the 1st respondent in G.O(D).No.111 Labour and Employment dated 11.02.2000 and G.O.(D).No.359 Labour and Employment dated 19.03.2003.

2. According to the petitioner, he was working as Deputy Inspector of Labour III Circle, Coimbatore from 12.01.1990 to 28.01.1991. The Government vide G.O.Ms.No.1536, Labour and Employment Department, dated 11.08.1989 had directed the Inspector of Labour, Coimbatore to file a case against the partners of New City Engineering Works Limited, Coimbatore under Section 29 of the Industrial Disputes Act, 1947. Charge sheet was filed before the Judicial Magistrate No.II, Coimbatore and the same was returned for certain defects. After rectifying the defects, the said charge sheet was again filed on 08.11.1989 by the petitioner's predecessor. The petitioner after taking over the charge in the post of Deputy Inspector of Labour III Circle, Coimbatore, had taken steps to expedite the process on the said complaint and also informed the factual position of the case, which was kept pending before the said Court, to the Inspector of Labour. However, the second respondent issued a charge memo by proceedings dated 09.10.1995 under Rule 17(b) of Tamil Nadu Civil Services (Discipline and Appeal) Rules and awarded punishment of Censure. On account of the charge memo, the promotional opportunity and seniority of the petitioner were affected. Challenging the same the present writ petition.

3. The learned Special Government Pleader for the respondents 1, 2 and 4 filed a counter affidavit, wherein, it is inter alia stated that during the tenure in the post of Deputy Inspector of Labour-III, Coimbatore, the petitioner had not reported the factual position of the case against the partners of New City Engineering Works Limited, Coimbatore. Subsequently, the Inspector of Labour, Coimbatore enquired about the pendency of the case, which had revealed that no such case is pending in the Judicial Magistrate Court No.II, Coimbatore. Hence, the petitioner was issued with charge memo by proceedings of the second respondent dated 09.10.1995. Since the charges against the petitioner were proved, the first respondent by its proceedings dated 11.2.2000 imposed punishment of Censure. He would further submit that challenging the said order, the petitioner preferred an appeal before the Government and the same was referred to the Tamil Nadu Public Service Commission. The Tamil Nadu Public Service Commission advised the Government to reject the review petition, since the punishment imposed was not excessive. Aggrieved over the same, the petitioner filed an application in O.A.No.1059 of 2004 before the Administrative

Tribunal. After abolition of the said Tribunal, the said O.A was transferred and renumbered as W.P.No.17948 of 2007. He would further submit that after completion of the disciplinary proceedings, the petitioner's name was included in the panel and was promoted. He would further submit that the petitioner retired from service after attaining the age of superannuation. Therefore, he submitted that this petition may be dismissed.

4. On a perusal of the records it would reveal that the charges levelled against the petitioner were proved and the first respondent imposed punishment of Censure. Challenging the same, the petitioner filed O.A.No.1059 of 2004 before the Administrative Tribunal. Subsequently, it was abolished and hence, the petition was transferred to the Writ Court and renumbered as W.P.No.17948 of 2007 and the case is pending before this Court. Subsequently, the petitioner retired from service after attaining the age of superannuation.

5. Considering the above facts and circumstances, this Court do not find any merit in this writ petition. Hence, the writ petition is dismissed. However, there shall be no order as to costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Secretary to Government,
State of Tamil Nadu,
Labour and Employment Department,
Fort St.George, Chennai - 600 009.
2. The Commissioner of Labour,
Teynampet, D.M.S.Compound,
Chennai - 600 006.
3. The Secretary,
Tamil Nadu Public Service Commission,
Government Estate,
Chennai - 600 002.
4. The Enquiry Officer and
Joint Commissioner of Labour,
Coimbatore.

+1cc to Mr.V.Suthakar, Advocate, S.R.No.35405

+1cc to the Government Pleader, S.R.No.35619

W.P.No.17948 of 2007(T)

CP(CO)
RV(09/12/2020)



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