

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.07.2020

CORAM

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P.No.8894 of 2020

and

WMP Nos.10812 & 10815 of 2020

R.Sankar

...Petitioner

Vs.

The Sub Collector/District Manager,
TASMAC Ltd.,
Perambalur,
Perambalur District

....Respondent

Prayer: Writ Petition filed under Section Article 226 of the Constitution of India praying Writ of Certiorari, calling for the entire records relating to the impugned order passed by the respondent in his proceedings Na.Ka.No.3585/CV/2020/A1, dated 20.06.2020 and quash the same.

For Petitioner : Mr.C.Prakasam

For Respondent : Mr.K.Sathish Kumar,
Standing counsel

ORDER

The matter is taken up through web hearing.

2.This writ petition is filed with the following prayer:

"To call for the entire records relating to the impugned order passed by the respondent in his proceedings Na.Ka.No.3585/CV/2020/A1, dated 20.06.2020 and quash the same.

3.The petitioner is working as a Supervisor under the respondent Corporation. He has come forward with this writ petition challenging the show cause notice dated 20.06.2020 calling upon him to explain as to why recovery cannot be made from him for certain acts of misconduct for the loss suffered by the Corporation, at his instance. According to the petitioner, he was not responsible for the loss and therefore, the impugned show cause notice is liable to be interfered with.

4.This Court is unable to appreciate as to how it can embark upon into the factual controversy as to whether the petitioner was responsible for the loss suffered by the Corporation or not. When a show cause notice was issued of this nature, it is for the employee concerned to submit a suitable explanation, and thereupon, when a final order is passed, it is possible for the employee to question the final order.

5.On the other hand, in a matter of this nature, an employee cannot rush to this Court and invoke the extraordinary jurisdiction under Article 226 of the Constitution of India. The writ petition is premature and the show cause notice cannot be challenged on the ground of factual assertion or self-serving averments.

6.In the above circumstances, the writ petition is not maintainable and the same is dismissed. No costs. Consequently, the connected miscellaneous petitions are closed.

s/d-

Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

msk/mrm

To

The Sub Collector/District Manager,
TASMAC Ltd.,
Perambalur,
Perambalur District

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WEB COPY

W.P.No.8894 of 2020

SSV(CO)

SP(29/07/2020)