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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 18.11.2021

CORAM:

THE HON'BLE MR. JUSTICE M.DURAI SWAMY,

ACTING CHIEF JUSTICE

AND

THE HON'BLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

W.A.No.2805 of 2012

and M.P.No.1 of 2012

1.Board of Directors
rep by Chairperson,
The Tamil Nadu Industrial Investment
Corporation Limited (TIIC),
No.692, Anna Salai, Nandanam,
Chennai - 600 035.

2.The Managing Director,
TIIC Limited,
No.692, Anna Salai, Nandanam,
Chennai - 600 035.

... Appellants/Respondents

Vs.

S.Sachithanantham

... Respondent/Petitioners

Appeal filed under Clause 15 of the Letters Patent against the order dated 31.08.2012 made in W.P.No.34907 of 2002.

Prayer in W.P.No.34907 of 2002:

Writ Petition filed under Article 226 of the Constitution of India, praying this Court for the issuance of Writ of Certiorarified Mandamus to call for the records of the first respondent in proceedings No.TIIC/Admn./DW/2001-02, dated 15.02.2002 confirming the order of the second respondent dated 29.08.2000, quash the same and direct reinstatement as Law Officer in the respondent organisation with back wages.



For Appellants : Mr.K.Magesh

For Respondent : Mr.Yashod Vardhan, Senior Counsel
for M/s.R.Sunil Kumar

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JUDGMENT

(Judgment was delivered by M.DURAI SWAMY, ACJ.)

Challenging the order passed in W.P.No.34907 of 2002, the respondents in the Writ Petition have filed the above Writ Appeal.

2.The respondent herein filed the Writ Petition to issue a Writ of Certiorari Mandamus to call for the records of the 1st appellant dated 15.02.2002 confirming the order of the 2nd appellant dated 29.08.2000 and to quash the same and direct the appellants to reinstate him as Law Officer in the appellant - Organization with backwages.

3.It is the case of the respondent/Writ Petitioner that he was appointed in the 2nd appellant Organization as Law Officer on 04.11.1989 at Hosur Branch. Subsequently, he was transferred from Hosur Branch to Cuddalore Branch on 14.05.1993. As a Law Officer, his responsibility was to verify the documents of title given by the potential borrowers, to examine the opinions given by the panel Advocates and to receive the relevant documents for custody as a measure of security for the loans advanced by the Corporation. The respondent was issued with a Charge Memo dated 11.12.1997 by the 2nd appellant stating that he has exposed the Corporation to possible loss to the extent of Rs.4,83,20,418.54 since the securities taken by way of equitable mortgage cannot be enforced and thereby violated the Service Rules of the Corporation. The respondent/Writ Petitioner had submitted his explanation to the said Charge Memo on 15.04.1998. However, the appellants found the explanation to be not satisfactory. The 2nd appellant issued another Charge Memo dated 09.06.1998 and the respondent/Writ Petitioner has also given his explanation on 31.08.1998 for the 2nd Charge Memo. A departmental enquiry was conducted and the Enquiry Officer found all the charges proved against him. The Disciplinary Authority dismissed the respondent/Writ Petitioner from service. Challenging the same, the respondent filed the Writ Petition. The learned Single Judge, taking into consideration the case of both sides, disposed of the Writ Petition by converting the order of dismissal as one of resignation and further clarified that the respondent/Writ Petitioner shall not be entitled to get any monetary benefits. The conversion of the order of dismissal to



resignation was done by the learned Single Judge based on the submissions made by the learned senior counsel for the respondent/Writ Petitioner to the effect that the respondent is not willing to join the service of the appellant - Corporation for the reason that he wants to practice as a responsible lawyer without any stigma of dismissal from service.

4.The learned counsel appearing for the appellant - Corporation submitted that if the order passed by the learned Single Judge is sustained, many employees would seek for such conversion.

5.The submission made by the learned counsel for the appellants can be answered by protecting the appellants by restricting the implementation of the order passed by the learned Single Judge only in respect of the respondent/Writ Petitioner. In other aspects, we do not find any ground to interfere with the observations made by the learned Single Judge. In view of the same, the Writ Appeal is liable to be dismissed. Accordingly, the Writ Appeal is dismissed. However, we make it clear that the order passed by the learned Single Judge shall not be cited as a precedent in any matter. No costs. Consequently, the connected miscellaneous petition is closed.

SD/-
ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR

To

1.The Chairperson,
Board of Directors
The Tamil Nadu Industrial Investment
Corporation Limited (TIIC),
No.692, Anna Salai, Nandanam, Chennai - 600 035.

2.The Managing Director,
TIIC Limited,
No.692, Anna Salai, Nandanam, Chennai - 600 035.

+1cc to M/s.K.Magesh, Advocate Sr.59333

W.A.No.2805 of 2012
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