

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P. No.2449 of 2021 and

W.M.P. Nos.2763 and 2765 of 2021

G.Chandramouli

...Petitioner

vs.

1.The Secretary
Ministry of Textiles
Udhyog Bhavan
New Delhi

2.The Chairman & Managing Director
National Textiles Corporation Limited
Udhyog Bhavan
New Delhi

3.The Joint Secretary
The Ministry of Textiles
Director (HR/CMD) Additional Charge
National Textile Corporation Limited
Core-IV, Scope Complex, No.7, Lodhi Road
New Delhi - 110 003

4.The Executive Director
The Southern Regional Office
National Textile Corporation Limited
NTC House, P.O. Box No.2409
35-B, Somasundaram Mills Road
Coimbatre - 641 009

...Respondents

Writ petition filed under Article 226 of the Constitution of India for a writ of certiorari calling for the records of the 3rd respondent dated 17.01.2020 ordering de novo enquiry and quash the same as being arbitrary, illegal, violative of principles of natural justice besides being violative of the provision of the Conduct, Discipline and Appeal Rules, 2009.

For Petitioner : Mr.Adithya Varadarajan
For Respondents : Mr.K.Ramanan,
CGSC

O R D E R

The petitioner has come forward with the present writ petition challenging the order of the 3rd respondent dated 17.01.2020 ordering a de novo enquiry.

2. The petitioner has preferred an appeal also against the order of the Disciplinary Authority to the Appellate Authority. He would contend that some of the charges have not been proved, but, however the disciplinary authority has disagreed with the finding of the enquiry officer and ordered a de novo enquiry, which is challenged in the present writ petition.

3. He would further submit that the enquiry officer, who is the Disciplinary Authority, who conducted the enquiry, is now holding the post of Appellate Authority and is the Chairman and Managing Director of National Textiles Corporation Limited, the second respondent herein. This court, would make it very clear that, in any case, the very same disciplinary authority, who conducted the enquiry, cannot decide the appeal sitting as appellate authority and that some other authority can be nominated to hear the appeal and decide the same in terms of the Conduct, Discipline and Appeal Rules, 2009.

4. This court is not going into the various aspects and grounds raised by the petitioner before this court with regard to ordering of de novo enquiry and it is for the Appellate Authority, who must be an independent authority and not the very same authority, to decide the matter, in accordance with the law/rules and the order shall be passed, after affording an opportunity of personal hearing to the petitioner, within a period of sixty days from the date of receipt of a copy of this order.

5. With the above direction, the writ petition is disposed of. However, there shall be no order as to cost. Consequently, the connected writ miscellaneous petitions are closed.

Sd/-
Asst.Registrar (CS V)

/true copy/

Sub Asst. Registrar

(Asr)

To

1.The Secretary
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Udhyog Bhavan
New Delhi

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Coimbatore - 641 009 .

+2CCs to Mr. Adithya Vadarajan Advocate, SR No. 6748.

W.P. No.2449 of 2021

JP- II (CO)
NRA(10/03/2021)

सत्यमेव जयते

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