



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.03.2021

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.160 of 2015

and

W.M.P.Nos. 1 of 2015 & 6613 of 2021

J.Sivamani

... Petitioner

Vs

1.Neyveli Lignite Corporation Ltd.,
Rep by its Director (HR),
Corporate Office, Block -I,
Neyveli Township - 607 801.

2.The Chief General Manager (HR), NLC Ltd.,
Corporate Office, Block -I,
Neyveli Township - 607 801.

3.The Chief Manager, Shift Office, Mine - I,
Neyveli Lignite Corporation Ltd.,
Corporate Office, Block - I,
Neyveli Township - 607 801.

4.The General Manager, Operation, Mine - I,
Neyveli Lignite Corporation Ltd.,
Corporate Office, Block - I,
Neyveli Township - 607 801.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records of the 3rd respondent in its impugned Order Procs. No.MI/ HR/ DAC/ 279-07/2013 dated 3.12.2014 and quash the same and consequently direct the respondents to grant the petitioner promotion to Chief Wireless Operator Selection Grade with SG-I Scale with effect from 1.11.2008 and promotion to Selection Grade II Scale with effect from 1.11.2012 and subsequent promotions with all consequential attendant monetary benefits award cost.

For Petitioner : Mr.K.V.Subramanian, Senior Counsel
for M/s. K.V.Subramanian Associates

For R1 to R4 : Mr.F.B.Benjamin George



ORDER

The relief sought for in this writ petition is to issue a writ of certiorarified mandamus calling for the records relating to the order of the third respondent in Proceedings No.MI/ HR/ DAC/ 279-03/2013 dated 03.12.2014 and quash the same and consequently direct the respondents to grant the petitioner promotion to Chief Wireless Operator Selection Grade with SG-II Scale with effect from 01.11.2008 and promotion to Selection Grade III Scale with effect from 01.11.2012 and subsequent promotions with all consequential attendant and monetary benefits.

2.According to the petitioner, while he was working as Chief WCC Operator/Trainee, he was subjected to disciplinary proceedings for the alleged misconduct of producing fake certificates, which ended in punishment of demotion to the Lower Category as Technician Grade II/ C in W1 Grade in the scale of pay of Rs.9800-3%-27090 (W1) on the petitioner and his basic pay in the demoted post was fixed at Rs.18,390/- vide proceedings dated 03.12.2014 by the 3rd respondent. Challenging the said proceedings, the petitioner has come forward with the present writ petition for the aforesaid relief.

3.Upon notice, the respondents filed a detailed counter affidavit, inter alia stating that the respondents selected and appointed the persons including the petitioner based on the certificates produced by them, which later on verification, came to know that the petitioner has produced fake certificates and he did not possess the required qualification for holding the post of wireless cum communication operator and hence, disciplinary proceedings was initiated against him; and since the petitioner was found guilty of the charges, which are grave in nature, he was imposed with the punishment of demotion by the order impugned herein. Thus, according to the respondents, no interference is required at the hands of this Court.

4.Today, when the matter was taken up for consideration, the learned counsel for the petitioner submitted that as against the order passed by the 3rd respondent, the petitioner has preferred an appeal on 07.12.2014, which is pending consideration before the Appellate Authority; and hence, it would suffice, if a direction is given to the said authority to dispose of the appeal within a time frame to be stipulated by this Court.

5.The learned counsel appearing for the respondents has no serious objection for granting such relief to the petitioner.



6.Considering the limited relief now sought by the learned counsel for the petitioner, which has not been seriously opposed on the side of the respondents, this Court directs the appellate authority to consider the appeal filed by the petitioner and pass appropriate orders on merits and in accordance with law, after affording an opportunity of hearing to the petitioner, within a period of eight (8) weeks from the date of receipt of a copy of this order.

7.This Writ Petition is disposed of with the above direction. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

mtl
To

- 1.The Director (HR),
Neyveli Lignite Corporation Ltd.,
Corporate Office, Block -I,
Neyveli Township - 607 801.
- 2.The Chief General Manager (HR), NLC Ltd.,
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- 3.The Chief Manager, Shift Office, Mine - I,
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- 4.The General Manager, Operation, Mine - I,
Neyveli Lignite Corporation Ltd.,
Corporate Office, Block - I,
Neyveli Township - 607 801.

+1cc to Mr.F.B.Benjamin George, Advocate Sr.18959

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jp[co]
srg 15/07/2021