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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.03.2021

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.1663 of 2016
and
W.M.P.No.1439 of 2016

R.Senthil Kumar

... 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
Disciplinary Authority,
Neyveli Lignite Corporation Ltd.,
Corporate Office, Block - I,
Neyveli Township - 607 801.
- 4.The Chief General Manager/TA,
Appellate Authority,
Township Administrative Office,
Neyveli Lignite Corporation Ltd.,
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 in Proc.No.M1/HR/ DAC/ 279-05/2013 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 II Scale with effect from 1.7.2004 and promotion to Selection Grade III with effect from 3.12.2014 and subsequent promotions with all consequential attendant monetary benefits award cost.



For Petitioner

: Mr.K.Sathiyamurthi

For R1 to R3

: Mr.F.B.Benjamin George

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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 01.07.2004 and promotion to Selection Grade III Scale with effect from 03.12.2014 and subsequent promotions with all consequential attendant and monetary benefits.

2.According to the petitioner, while he was working as Chief WCC Operator Special Grade, 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 III/ C in W3 Grade in the scale of pay of Rs.10300-3%-28390 (W3) on the petitioner and his basic pay in the demoted post was fixed at Rs.19,270/- 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 31.12.2014, 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 Petition is 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.,
Corporate Office, Block -I,
Neyveli Township - 607 801.
- 3.The Chief Manager/Shift Office Mine -I
Disciplinary Authority,
Neyveli Lignite Corporation Ltd.,
Corporate Office, Block - I,
Neyveli Township - 607 801.



4.The Chief General Manager/TA,
Appellate Authority,
Township Administrative Office,
Neyveli Lignite Corporation Ltd.,
Neyveli Township - 607 801.

+1cc to Mr.K.Sathiyamurthi, Advocate Sr.18718
+1cc to Mr.F.B.Benjamin George, Advocate Sr.18968

W.P.No.1663 of 2016

jp[col]
srg 15/07/2021