

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.08.2021

CORAM :

The Hon'ble Mr.Justice C.SARAVANAN

W.P.No.6634 of 2015
and M.P.No.1 of 2015

S.Kumar

... Petitioner

Vs.

1.Neyveli Lignite Corporation Limited,
Rep. by its Director (HR),
Corporate Office, Block – I,
Neyveli Township – 607801.

2.The Chief General Manager (HR),
Corporate Office, Block – I,
Neyveli Township – 607801.

3.The Chief Manager,
Shift Office, Mine – II,
Neyveli Lignite Corporation Limited,
A.O. Building/Mine – II,
Neyveli – 607802.

4.The General Manager, Mine II,
Neyveli Lignite Corporation Limited,
A.O. Building/Mine – II,
Neyveli – 607802.

... Respondents

Writ Petition filed under Section 226 of the Constitution of India
praying for the issuance of Writ of Certiorarified Mandamus, to call for the
records of the 4th respondent in its impugned order Memo No.M-II/HR/DA

Cell/552/1297/2013 dated 22.12.2014, confirming the order of the 3rd respondent in MEMO No.M-II/HR/DA CELL/552/1297/2013 dated 28.11.2014 and quash the same and consequently, direct the respondents to grant the petitioner promotion to Chief Wireless Operator Special Grade with SG-II Scale with effect from 01.06.2010 and promotion to Special Grade – III Scale with effect from 01.06.2013 with all consequential attendant monetary benefits, award cost.

For Petitioner : Mr.M.A Abdul Wahab
for M/s.K.V.Subramanian Associates
For Respondents : Mr.F.B.Benjamin George

ORDER

(Heard through Video Conferencing)

This Writ Petition has been filed challenging the impugned order Memo No.M-II/HR/DA Cell/552/1297/2013 dated 22.12.2014 of the fourth respondent, confirming the order of the third respondent in MEMO No.M-II/HR/DA CELL/552/1297/2013 dated 28.11.2014 and to quash the same and consequently, to direct the respondents to grant promotion to the petitioner to Chief Wireless Operator Special Grade with SG-II Scale with effect from 01.06.2010 and promotion to Special Grade – III Scale with effect from 01.06.2013 with all consequential attendant monetary benefits, award cost.

2. The petitioner had been served with the punishment order dated 28.11.2014 which was passed by the Disciplinary Authority - 3rd respondent herein. Against the said order, the petitioner had filed an appeal dated 12.12.2014 and the same was disposed of by an order dated 22.12.2014. Instead of filing an appeal, the petitioner has approached this Court by way of filing this writ petition.

3. While admitting the writ petition, the Court had also passed an interim order on 08.10.2015 which was thereafter continued on 20.11.2015. In similar matters, the cases have been disposed of by directing the Appellate Authority to consider the appeal filed by the petitioner in W.P.No.158 of 2015.

4. Hence, in view of the above, 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. An interim order already granted by this Court shall continue until the disposal of the appeal.

C.SARAVANAN, J.

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With the above directions, this Writ Petition is disposed of. No costs.

25.08.2021

Index : Yes/No

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