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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.30344 of 2014

and MP.No.1 of 2014

W.M.P.Nos.25923 of 2018 and 6100 of 2021

G.Ganesan

... Petitioner

Vs

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

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

3.The Chief Manager (S & F.S.)
Neyveli Lignite Corporation Ltd.,
Block -18, 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 pertaining to the proceedings in Memo No.S & FS/Disc./ A- VIII/449-10/2013 dated 25.2.2013 and Memo No. S & FS/Disc./A-VIII/449-10 (02)/2013 dt 23.10.2014 issued by the 3rd respondent quash the same and consequently direct the respondents to grant the petitioner promotion to Chief Wireless Operator Special Grade with SG-II scale w.e.f. 1.6.2010 and promotion to SG-III Scale w.e.f. 1.6.2013 with all consequential benefits Award costs.

For Petitioner : Mr.K.Krishnaswamy

For Respondents : Mr.F.B.Benjamin George
R1 to R3



ORDER

The relief sought for in this writ petition is to issue a writ of certiorarified mandamus calling for the records relating to the proceedings of the third respondent in Memo No.S&FS/Disc./A-VIII/449-10/2013 dated 25.02.2013 and Memo No.S&FS/Disc./A-VIII/449-10(02)/2013 dated 23.10.2014 and to 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 SG III Scale with effect from 01.06.2013 with all consequential attendant and monetary benefits.

2. According to the petitioner, while he was working as Wireless-cum-Communication Operator / Trainee, he was subjected to disciplinary proceedings for the alleged misconduct of producing fake certificates and after completion of enquiry, where the charges levelled against him were found proved, by impugned proceedings dated 23.10.2014, the third respondent proposed to impose the 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/-. Challenging the said proceedings, the petitioner has come forward with the present writ petition for the aforesaid relief.

3. Today, when the matter was taken up for consideration, the learned counsel for the petitioner, on instructions, submitted that the petitioner already filed his reply on 13.11.2014 to the proceedings issued by the third respondent, as regards the punishment proposed to be imposed on him; and apprehending adverse action, he has filed this writ petition to quash the same. Therefore, the learned counsel submitted that it would suffice, if the respondent authorities are directed to consider the reply filed by the petitioner, in the light of the documents produced, and pass orders, on merits, within a reasonable time to be fixed by this Court.

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

5. In view of the aforesaid submissions now made by the learned counsel for the petitioner, which has not been seriously opposed on the side of the respondents, this Court directs the respondent authorities to consider the reply / objections to the proceedings dated 23.10.2014 passed by the third respondent 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.



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

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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 General Manager (HR),
Corporate Office, Block -I,
Neyveli Lignite Corporation Ltd.,
Block - I, Neyveli Township - 607 801.
- 3.The Chief Manager (s & F.S.)
Neyveli Lignite Corporation Ltd.,
Block -18, Neyveli Township - 607 801.

+lcc to Mr.V.Ajaykhose, Advocate Sr.18534
+lcc to Mr.F.B.Benjamin George, Advocate Sr.18964

W.P.No.30344 of 2014

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srg 15/07/2021