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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.12.2021

Coram

The Honourable Mr. Justice Krishnan Ramasamy

W.P.No.28504 of 2017

and

W.M.P.No.30619 and 30620 of 2017

Chennai Micro Print (P) Ltd.,
rep. By its Authorized Signatory,
V.Rajagopal,
Old No.34 and New 130, Nelson Manickam Road,
Amijikarai, Chennai- 29.

...Petitioner

Vs.

The Deputy Chief Operation Manager/CHG/II/COM,
Head Quarters Office Transportation Branch,
Chennai - 3.

...Respondent

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari to call for records, in Notice No.T.463/X1/TAG/2016-17, dated 28.06.2017, on the file of the respondent and to quash the proceedings.

For Petitioner : Mr.Avinash Wadhwani

For Respondent : Mr.P.T.Ramkumar
Standing Counsel

O R D E R

This Writ Petition has been filed, challenging the show cause notice, dated 28.06.2017, issued by the respondent, whereby, the petitioner has been called upon, to explain, as to why, action should not be taken against them for the acts committed by them.



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2. Mr. Avinash Wadhvani, the learned counsel appearing for the petitioner submits that the show cause notice has been issued to the petitioner purely relying on the Tri Members Committee's opinion. It is the main contention of the learned counsel for the petitioner that, the said Committee, without even granting any opportunity of hearing to the petitioner to put forth their contention, has already formed an opinion, as if, the petitioner has committed a 'Breach of Trust' and based on the Committee's opinion, the present show cause notice has been issued. Therefore, the learned counsel contended that since the impugned show cause notice is issued in a preconceived manner and the same suffers from violation of principles of natural justice, the same has to be set aside.

3. Per contra, the learned Standing Counsel for the respondent submits that pursuant to the show cause notice, the petitioner has filed a detailed reply on 26.07.2017, and due to pendency of the Writ Petition, they are not in a position to dispose of the same and decide the matter on merits. However, the learned Standing Counsel fairly submitted that the respondent would consider all the pleas put forth by the petitioner, and after affording reasonable opportunity of hearing to the petitioner, would pass appropriate orders, in an independent manner, without taking into consideration of the Tri Members Committee's opinion.

4. Heard the learned counsel appearing for the petitioner and the Standing Counsel for the respondent and perused the materials available on record.

5. Considering the fact that the petitioner has already filed a reply to the show cause notice, which is under challenge in this Writ Petition, and in the light of the submission made by the learned Standing Counsel for the respondent, this Court is of the view that, no further adjudication is required at this stage of the matter, and it would suffice to direct the respondent to consider such reply filed by the petitioner and pass appropriate orders after affording an opportunity of hearing to the petitioner, and take an independent decision without giving any weightage to the report/opinion of the Tri Members Committee, as the said opinion was arrived at, without even hearing the petitioner.

6. Accordingly, this Writ Petition is disposed of, by directing the respondent to consider the reply filed by the petitioner to the impugned show cause notice and pass appropriate orders after affording reasonable opportunity of hearing to the petitioner, and take an independent decision without being influenced by the report/opinion of the Tri



Members Committee. The said exercise shall be completed by the respondent within a period of eight weeks from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petitions are closed.

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Sd/-

Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

sd

To

The Deputy Chief Operation Manager/CHG/II/COM,
Head Quarters Office Transportation Branch,
Chennai - 3.

+1cc to Mr.V.Raghavachari, Advocate SR. No.63850

+1cc to Mr.P.T.Ramkumar, Advocate SR. No.63855

W.P.No.28504 of 2017

NRL (CO)

PR (21/12/2021)