



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.11.2021

CORAM :

THE HON`BLE MR.JUSTICE B.PUGALENDHI

W.P(MD) No.477 of 2020

and

W.M.P(MD) Nos.358 & 359 of 2020

WEB COPY

Y.Chakravarthi

...Petitioner

Vs.

1.The Managing Director,
The Cotton Corporation of India
Kapas Bhavan,
Plot No.3A,
Sector 10, CBD, Belapur,
Navi Mumbai - 400614.

2.The Branch Manager/Disciplinary Authority,
The Cotton Corporation of India Limited,
Door No.1057,
Trichy Road,
Ramanathapuram,
Coimbatore - 641 045.

3.Mr.M.Neelameham
Senior Manager (Human Resources) Retired,
National Textile Corporation,
Inquiry Officer,
The Cotton Corporation of India Limited,
Kapas Bhavan,
Plot No.3A,
Sector 10, CBD, Belapur,
Navi Mumbai - 400 614.
Presently residing at
No.A423, Vetri Vinayagar Kovil Street,
Ganapathi Maanagar,
Coimbatore - 641 006.

...Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order dated 02.12.2019 in Reference No.CCI/HO/CGM(Mktg)/2019/002/5526 passed by the first respondent confirming the impugned order dated 11.05.2015 in Reference No.CCI/CBE/BM/15-16/716, passed by the second respondent and quash the same and consequently direct the respondents 1 & 2 to reinstate the petitioner with the back wages.

For Petitioner

:Mr.J.Barathan

For Respondents

:Mr.Niranjana S.Kumar



O R D E R

This writ petition is filed challenging the impugned order passed by the second respondent in Ref. No. CCI/ HO/ CGM (Mktg)/ 2019/ 002/5526 dated, 02.12.2019.

2.The case of the petitioner is that he was appointed as Junior Cotton Purchaser by Cotton Corporation of India (CCI) on 31.10.2008. His duty is to purchase cotton from farmers, and to hand over cotton bales to godown keepers of CCI. On 20.03.2014, the second respondent issued show cause notice to the petitioner, alleging that during 2012-2013, when he was working as Centre incharge of Manthani & Kataram Centres at Branch office, Warangal, he procured low quality cotton and the bales had not been packed and marked properly and he had not received carrying cost of cotton seeds delivered to farmers. The petitioner also submitted his explanation on 25.03.2014. Thereafter, he was issued with charge memo, dated 13.05.2014, for which, he sent reply on 09.06.2014. Thereafter, the second respondent appointed the third respondent as inquiry officer on 30.07.2014. Further, the second respondent appointed Mr.G.Sai Aditya, the Assistant Manager (Marketing) as the presenting officer, who was already in the list of witnesses. Subsequent to those orders, the second respondent issued another order dated 31.07.2014, removing the name of the said G.Sai Aditya, from the list of witnesses. The third respondent conducted the enquiry and a report was also sent to the second respondent on 30.12.2014. The second respondent issued second show cause notice to the petitioner on 16.01.2015, for which, the petitioner also submitted his explanation on 12.02.2015. But, the second respondent passed the impugned order, dated 11.05.2015, holding that charges of misconduct are proved and the petitioner is terminated from service.

3.Aggrieved over the same, the petitioner filed W.P(MD) No.8258 of 2015 to quash the impugned order dated 11.05.2015. By order dated 03.07.2019, this Court directed the petitioner to file appeal and a direction was also issued to the appellate authority to condone the delay, and take up the appeal and conduct enquiry into the matter, by affording opportunity to the petitioner and pass orders on merits and in accordance with law. Hence, the petitioner filed an appeal on 11.08.2019, before the appellate authority/the first respondent herein, has passed the impugned order, dated 02.12.2019, dismissing the appeal, which is under challenge in this writ petition.

4.The learned counsel for the petitioner submits that the respondents 1 & 2 have failed to note that a retired employee of the National Textile Corporation is not a public servant, within Section 21 of the Indian Penal Code. He further submits that the appellate authority has not independently applied his mind to the facts of the case and not even considered the explanation offered by the petitioner and the order of the first respondent is a non speaking order, without any reason and hence, it is liable to be dismissed.



5. Per contra, the learned counsel appearing for the respondents submits that the order passed by the respondent is in accordance with law and after considering the documents regarding the charges framed against the petitioner and his reply to the charge sheet and the penalty order issued by the Disciplinary authority. Hence, there is no need to interfere with the order of the first respondent.

6. Heard both sides and perused the documents available on record.

7. On a perusal of the impugned order shows that the first respondent has passed the order in a cryptic manner, without any detailed reasons. It is no doubt that the appellate authority is not required to give detailed reasons for agreeing and confirming the order passed by the lower Forum, but, this Court is of the view that, in the interest of justice, the delinquent is entitled to know atleast the mind of the appellate authority in dismissing the appeal. It is true that no detailed reasons are required to be given, but some brief reasons should be indicated even in an order affirming the view of the lower Forum.

8. This Court *prima facie* is satisfied that the order impugned in this writ petition is not a speaking order and therefore, this Court without expressing anything on the merits of the order passed by the Appellate Authority, remitted the matter to the appellate authority for fresh consideration. The Appellate Authority shall consider the grounds raised by the appellant and take a decision in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

9. With the above direction, this Writ Petition is disposed of. No Costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

vrn

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

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+1 CC to M/s.NIRANJAN S. KUMAR, Advocate (SR-35005[F]
dated 18/11/2021)

+1 CC to M/s.T.R.JEYAPALAM, Advocate (SR-35110[F] dated 19/11/2021)

Order made in
W.P(MD) No.477 of 2020
and
W.M.P(MD) Nos.358 & 359 of 2020
18.11.2021

TP (CO)
GC (27.12.2021) 4P 5C