



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.04.2021

CORAM :

The Hon'ble Mr.JUSTICE T.S.SIVAGNANAM
AND
The Hon'ble Mrs.JUSTICE S.ANANTHI

W.A.(MD) No.779 of 2021
and
C.M.P(MD).No. 3491 of 2021

1. The Secretary to Government,
Micro Small and Medium Industries Enterprises,
Department,
Secretariat, Chennai - 600 009.
2. The Industries Commissioner and Director of Industries
and Commerce,
Guindy, Chennai - 600 032.

... Appellants/Respondents

Vs

V. Shenbagaraja

... Respondent/Petitioner

PRAYER: Appeal under Clause 15 of the Letters Patent, against the order dated 06.02.2020, passed in W.P.(MD) No.10109 of 2015.

Prayer in WP(MD). 10109/ 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus, calling records of the first respondent i.e., the Secretary to Government, Micro Small and Medium Industries Enterprises, Chennai relating to G.O. (2D) No. 16 Micro Small and Medium Industries Enterprises Department, Chennai dated 21.05.2015 communicated in endorsement R.C. No. 2556/2C/2012 dated 09.06.2015 and the earlier orders of the Government passed in G.O. (2D) No. 25 Micro Small and Medium Industries Enterprises Department, Chennai dated 13.11.2014 communicated in endorsement R.C. No. 4928/1CI/2014 dated 04.12.2014 and quash the same and consequently the first respondent may be directed to promote the petitioner as Assistant Director on par with his Juniors.



For Appellants : Mr.K.P.Krishnadoss,
Special Government Pleader
For Respondent : Mr.S. Visvalingam

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JUDGMENT

[Judgment of the Court was delivered by **T.S.SIVAGNANAM, J.**]

This appeal by Government is directed against the order dated 06.02.2020 in WP(MD) No.10109 of 2015, filed by the respondent herein.

2. The Writ petition filed challenging the order of punishment passed by the second appellant imposing a punishment of stoppage of increment for the period of 18-months without cumulative effect. The order of punishment was challenged by way of statutory appeal which was rejected and the review petition filed against the rejection order also came to be dismissed. Challenging these three orders, the writ petition has been filed. The learned Writ Court, after taking note of the facts, firstly, found that the orders passed by the Appellate authority as well as the orders in the review petition were devoid of reasons. Noting the decisions of the Hon'ble Supreme Court in **M/s. Steel Authority of India Limited, v. STO, Rourkela-I Circle and Others**, reported in 2008 (5) Supreme 281, the Court held that the reasons are heart beats of any administrative decisions and in the absence of the same, the Court concluded that the orders passed by the authorities are liable to be interfered and consequential direction was also issued to promote the respondent as an Assistant Director from the date on which his junior was promoted. The Government was aggrieved by the order in the writ petition.

3. The learned Special Government Pleader reiterated the submissions which were made before the Writ Court in the counter affidavit stating that the respondent functioned as the Manager of the Society for a period of three years from 13.05.2006 to 30.06.2009 and he did not take timely action for recovery of the loans given to ineligible persons and failed to take action to bring the properties which were mortgaged for sale to recover the loan amount.

4. The appeal petition filed by the respondent-writ petitioner dated 15.01.2014, before the Appellate authority is very elaborate and it runs more than 12-pages. On perusal of the appeal grounds, it is seen that the respondent-writ petitioner has not stated as to what step was taken by him for recovery of the loan, more particularly, it was pointed out that the loans were sanctioned to



ineligible persons by the appellant's predecessor, namely, one R.Kannappan and the appellant's specific case was that the said R. Kannappan was completely exonerated during the course of argument in the writ petition.

5. The learned Additional Government Pleader contended that the action was initiated against R.Kannappan and charge memo was issued for the procedural lapses. However, nothing was placed before the Writ Court as to whether any order of punishment was passed against R.Kannappan. Even before us, there is nothing on record to show that the punishment was imposed to R.Kannappan.

6. We have perused the order passed by the first appellant, dated 13.11.2014, by which, the appeal was rejected. Though, the order is a three page order, and at the first blush, it appears to be a reasoned order. We find that none of the grounds raised in the appeal petition dated 15.01.2014 have been adverted to by the first appellant. Therefore, the respondent submitted a review petition dated 12.03.2015, which is also a very elaborate petition reiterated in brief the contentions advanced in the appeal petition.

7. The review petition has also been rejected without assigning specific reason. Considering over all circumstances and that there was no reasons assigned by the Appellate authority and nothing was placed to show that Mr.R. Kannappan was imposed by the penalty and failure to note the actions initiated by the respondent-writ petitioner for recovery, the Writ Court, in our view rightly interfered with the order of punishment and allowed the writ petition and granted consequential relief.

8. Thus, we find no ground has been made out by the appellants to interfere with the order passed in the writ petition. Accordingly, the Writ appeal fails and dismissed. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (T&P)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



ksa/pkn

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.

To

1. The Secretary to Government,
Micro Small and Medium Industries Enterprises,
Department,
Secretariat, Chennai - 600 009.
 2. The Industries Commissioner and Director of Industries
and Commerce,
Guindy, Chennai - 600 032.
- +1 CC to MR.S.VISVALINGAM, Advocate (SR-15713[F] dated 09/04/2021)
- +1 CC to SPL GP (SR-15866[F] dated 15/04/2021)

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