IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 01.04.2022

CORAM:

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P.No.13477 of 2021
and
W.M.P.Nos.14344 and 14355 of 2021

S.Balakumaran ... Petitioner

vs.

1. The Chairman,
Chennai Port Trust,
Rajaji Salai, Chennai – 600 001.

2. The Deputy Chairman,
Chennai Port Trust,
Rajaji Salai, Chennai – 600 001.

3. The Financial Advisor & Chief Accounts Officer,
Chennai Port Trust,
Rajaji Salai, Chennai – 600 001. ... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order of suspension issued by the 2nd respondent in V2/0274/2020/Vig dated 25.06.2021 and to quash the same and consequently directing the respondents to reinstate the petitioner into service, with all consequential and other attendant service benefits.

For Petitioner : Mr.G.Sankaran

For Respondents: Mr.P.M.Subramaniam

O R D E R

This writ petition has been filed seeking to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order of suspension issued by the 2nd respondent in V2/0274/2020/Vig dated 25.06.2021 and to quash the same and consequently, directing the respondents to reinstate the petitioner into service, with all consequential and other attendant service benefits.

2. According to the petitioner, the petitioner was placed under suspension by the Deputy Chairman, Chennai Port Trust, Chennai/the 2nd respondent herein by his proceedings in V2/0274/2020/Vig dated 25.06.2021 for negligence in the

process of receipt and cross checking of Term Deposit receipts. It is stated that as per Section 88(2) of the Major Port Trusts Act, 1963, they used to deposit their excess funds to the State Bank of India or in any Nationalised Bank. Accordingly, based on the rate of interest offered, they decided and transferred a total sum of Rs.100.57 crores on various dates between 07.03.2020 and 04.05.2020 to the Indian Bank, Koyambedu Branch, Chennai through e-Transfer and consequently, sent a communication to make investment in the Fixed Deposits on Non-callable basis and handed over the receipts to their office, based on the quotation submitted by the bank concerned. The said investment remains in the fixed deposit on Non-callable basis and the fixed deposit cannot be prematurely closed before the expiry of the period of investment. The Indian Bank, Koyambedu Branch, has forwarded a communication dated 14.05.2020 by stating that the Fixed Term Deposits had been closed on 08.05.2020 (i.e.,) within 3 days after the issuance of FDR and the amount was credited to a Current Account of Chennai Port Trust opened by an impersonator representing himself as Deputy Director (Finance), Chennai Port Trust. Therefore, with reference to receipt of FDR by Security Section of the Chennai Port Trust, the FDR has been verified and cross checked with reference to the details stated therein and duly approved upto the Higher Level Officers before placed in the safe custody.

3. It is alleged that a fraud has been committed by forging documents and cheating the Indian Bank and further, the Central Bureau of Investigation (CBI) is investigating the issue including the officers of the said Bank. Therefore, the Chennai Port Trust has also moved this Court by filing Writ Petition in W.P.No.11063 of 2021 for the relief prayed as against the Indian Bank, Koyambedu Branch for pre-closure of the Fixed Deposit made on Non-callable basis. While so, the 2nd respondent has passed the impugned suspension order placed the petitioner under suspension without any reason. Challenging the aforesaid impugned suspension order, the petitioner has filed the present writ petition before this Court.

4. According to the learned counsel appearing for the Chennai Port Trust/the respondents, the petitioner's name has not been arrayed as party in the aforesaid criminal case registered by the Central Bureau of Investigation (CBI) and the Department has initiated the disciplinary proceedings as against the petitioner. It is admitted by the respondents that the petitioner has already attained the age of superannuation and therefore, within the specified time as fixed by this Court, the said disciplinary proceedings would be concluded by the respondents subject to the petitioner will cooperate for the said enquiry.

5. Taking into consideration of the above said facts and at this stage, this Court cannot interfere with the impugned suspension order passed by the 2nd respondent dated 25.06.2021.

6. In the light of the submissions made by the parties, this Court is inclined to direct the Chennai Port Trust/the respondents to conclude the disciplinary proceedings and pass appropriate orders in accordance with law, as expeditiously as possible, within a period of twelve weeks from the date of receipt of a copy of this order. The petitioner shall also cooperate with the respondents for concluding the disciplinary proceedings pending against him.

7. With the above directions, the writ petition stands disposed of. Consequently, the connected miscellaneous petitions are closed. No costs.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

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To

1. The Chairman,
Chennai Port Trust,
Rajaji Salai, Chennai - 600 001.

2. The Deputy Chairman,
Chennai Port Trust,
Rajaji Salai, Chennai - 600 001.

3. The Financial Advisor & Chief Accounts Officer,
Chennai Port Trust,
Rajaji Salai, Chennai - 600 001.

+1 cc to Mr. P.M.Subramaniam, Advocate Sr.NO. 22156
+1 cc to Mr.G.Sankaran, Advocate Sr.NO. 22529

W.P.No.13477 of 2021

ssv(CO)
A.SK(28/04/2022)