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W.P.No.26631 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.10.2022

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

W.P.No.26631 of 2022

M.G.Gowthaman

... Petitioner

Versus

1. The Managing Director,
TUCS Limited,
No.154, Big Street,
Triplicane,
Chennai-600 005.

2. The State rep by
The Inspector of Police,
Special Investigation Cell,
Vigilance and Anti-Corruption,
Alandur,
Chennai-600 016

.... Respondents

Prayer:-Petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of Mandamus directing the 2nd respondent to give concurrence for reinstating the petitioner into service as Assistant in the 1st respondent Head Office on the basis of Enquiry Report dated 16.05.2022 which has not been served on the petitioner and the consequential letter dated 29.07.2022 sent by the 1st respondent to the 2nd respondent seeking concurrence for reinstating the petitioner.



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For Petitioner : Mr.P.K.Harinath Babu

For Respondents : Mr.L.S.M.Hasan Fizal
AGP

ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the second respondent to give concurrence for reinstating the petitioner into service as Assistant in the first respondent Head Office based on the Enquiry Report dated 16.05.2022 which has not been served on the petitioner and the consequential letter dated 29.07.2022 sent by the first respondent to the 2nd respondent seeking for concurrence for reinstating the petitioner.

2. The petitioner seeks for his reinstatement as an Assistant in the first respondent Head Office, pursuant to the clean chit given to him in the Enquiry Report dated 16.05.2022. The Enquiry Report dated 16.05.2022 was submitted pursuant to the disciplinary proceedings initiated against the petitioner by the first respondent. The contention of the petitioner is that as per the Enquiry Report, the charges framed against the petitioner have not been proved and he is found to be innocent. According to the petitioner, the first respondent by his letter dated 29.07.2022 has also sought for concurrence of the second respondent to reinstate the petitioner. However, according to the



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petitioner, till date, the petitioner has not been reinstated into service. In such circumstances, the petitioner has filed this writ petition.

3. A counter affidavit has been filed by the second respondent contending that they were not a party to the enquiry proceedings initiated against the petitioner.. They have also denied the receipt of the letter dated 29.07.2022 sent by the first respondent. According to the petitioner, as per the said letter, the concurrence of the second respondent was sought for by the first respondent for reinstating the petitioner into service as Assistant in the first respondent Head Office.

4. Heard Mr.P.K.Harinath Babu, learned counsel for the petitioner and Mr.L.S.M.Hasan Fizal, learned Additional Government Pleader appearing for the respondents.

5. Learned counsel for the petitioner drew the attention of this Court to the counter affidavit filed by the first respondent before the Joint Commissioner/Authority under the payment of Subsistence allowance and would submit that the first respondent has admitted in the counter that a proposal was sent by them to the second respondent seeking for their



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concurrency for reinstating the petitioner into service as an Assistant in the

Head Office of the first respondent.

6. According to the petitioner, having admitted to the said fact, the second respondent will have to necessarily consider the proposal sent by the first respondent, seeking for reinstatement of the petitioner into service.

7. Since the said proposal sent by the first respondent has been disputed by the second respondent in the counter affidavit filed before this Court, this Court will have to direct the first respondent to once again send a proposal to the second respondent quoting the crime number, in which, the petitioner was involved and address it to the Director of Vigilance and Anti-Corruption and on receipt of the same, a direction will have to be issued to the second respondent to pass final orders on merits and in accordance with law within a time frame to be fixed by this Court.

8. No prejudice would be caused to the respondents if such a direction is issued by this Court.

9. For the foregoing reasons, this Court directs the first respondent to



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submit a fresh proposal quoting the crime number (Cr.No.03/2021) within a period of one week from the date of receipt of a copy of this order to the Director of Vigilance and Anti-Corruption, who shall forward the same to the second respondent, seeking for reinstating the petitioner into service as an Assistant in the first respondent Head office and on receipt of the said proposal, the second respondent shall pass final orders on merits and in accordance with law within a period of four weeks thereafter.

With the aforesaid direction, the writ petition is disposed of. No costs.

26.10.2022

sr

Index: Yes/No

Speaking Order/Non-Speaking Order

To

1. The Managing Director,
TUCS Limited,
No.154, Big Street,
Triplicane,
Chennai-600 005.
2. The Inspector of Police,
Special Investigation Cell,
Vigilance and Anti-Corruption,
Alandur,
Chennai-600 016



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ABDUL QUDDHOSE,J.

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