



W.P.(MD)No.16217 of 2014

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.08.2022

CORAM:

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

W.P.(MD)No.16217 of 2014

M.P(MD).No.1 of 2014

P.Rajendran

... Petitioner

Vs.

1.The Managng Director,
Tamil Nadu Civil Supplies Corporation Limited,
Head Office,
No.12, Thambusamy Road,
Kilpauk, Chennai-600 010.

2.The Senior Regional Manager,
Tamil Nadu Civil Supplies Corporation Limited,
Madurai Road,
Madurai-625 020.

... Respondents

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records of the impugned order passed by the second respondent in his proceedings in Na.Ka.No.A3/2109/07 dated 02.05.2014, quash the same as illegal and consequently, direct the second



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respondent herein to settle the terminal and retirement benefits to the petitioner forthwith.

For Petitioner : Mr.D.Srinivasa Ragavan
For Respondents : Mr.D.Mayarajan for R1
Mr.G.Mohankumar for R2

ORDER

This Writ Petition has been filed for issuance of a writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the second respondent in his proceedings in Na.Ka.No.A3/2109/07 dated 02.05.2014, quash the same as illegal and direct the second respondent herein to settle the terminal and retirement benefits to the petitioner forthwith.

2. When the matter is taken up for hearing, the learned counsel appearing for the petitioner submits that he has limited his prayer with regard to non-consideration of the petitioner's explanation dated



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12.10.2007 for the show cause notice dated 21.05.2007 and passing a one page non-speaking order especially without considering his explanation given.

3. This Court, considering the materials produced before this Court, has found that the explanation given by the petitioner dated 12.10.2007 is not properly considered in the enquiry report dated 25.11.2013. It is further submitted by the learned counsel appearing for the petitioner that the petitioner once again gave explanation on 21.10.2013 and that was also not considered in the enquiry report dated 25.11.2013.

4. Perusal of the enquiry report dated 25.11.2013 shows that though the petitioner's explanation dated 12.10.2007 and 21.10.2013 were referred in the enquiry report, the details of the explanation are not discussed and considered in the enquiry report. Consideration of explanation is the basic requirement while deciding the matter in the enquiry. However, it has not been done in the enquiry report. Therefore,



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the enquiry report dated 25.11.2013 issued by the Enquiry Officer and the consequential order impugned passed by the second respondent in Na.Ka.No.A3/2109/07 dated 02.05.2014 on the basis of the enquiry report are set aside and the matter is remanded back to the Authority concerned to consider the matter afresh and pass appropriate orders.

5. Accordingly, this Writ Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

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Internet: Yes
Index :Yes/No
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- 2.The Senior Regional Manager,
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G.CHANDRASEKHARAN, J.

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