



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:09.06.2022

CORAM:

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THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

W.P.(MD).No.1705 of 2015

and

M.P.(MD).No.2 of 2015

P.Ramachandran

... Petitioner

VS.

1.The Managing Director,
Tamil Nadu Civil Supplies Corporation,
No.12, Thambusami Road,
Kilpauk,
Chennai 600 010.

2.The Senior Regional Manager,
Tamil Nadu Civil Supplies Corporation,
Thanjavur Region,
Thanjavur.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari to call for the records of the first respondent relating to the order passed in Ref. செ.மு.உ.எண்.ஏடி 2/61438/2014, dated 11.12.2014 confirming the order of the second respondent passed in Na.Ka.No.C4/4037/2013, dated 21.07.2014 and the consequential order of the first respondent passed in Ref. செ.மு.உ.எண்.எஇ 2/4529/2014, dated 24.11.2014 quash the same.

For Petitioner : Mr.D.Srinivasaragavan
For Respondents : Mr.R.Saravanan
for Mr.P.Seetharaman

O R D E R

This Writ Petition is filed for issuance of a Writ of Certiorari to call for the records relating to the order passed by the first respondent in Ref. செ.மு.உ.எண்.ஏடி 2/61438/2014, dated 11.12.2014, confirming the order passed by the second respondent in Na.Ka.No.C4/4037/2013, dated 21.07.2014 and the consequential order passed by the first respondent in Ref. செ.மு.உ.எண்.எஇ 2/4529/2014, dated 24.11.2014, and to quash the same.



2. Learned counsel for the petitioner submitted that the impugned orders have been challenged mainly on the ground that the petitioner's explanation for the show cause notice was not properly considered in the order blacklisting him and also permanently discharging him from the post of Seasonal Bill Clerk. Not only that, the order in Na.Ka.No.C4/4037/2013, dated 21.07.2014, while taken on appeal before the appellate authority, the appellate authority had just extracted the case of the Department, the case of the employee/the petitioner, then the grounds of appeal and when comes to the finding, no reason was given for affirming the order of the second respondent.

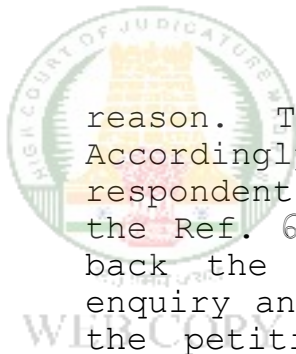
3. Learned counsel appearing for the respondents submitted that the petitioner had committed serious misconduct/irregularity in the procurement of paddy directly from the farmers, that too procured the paddy without following the procedure and thus caused a loss of Rs.88,819/-. Whatever the allegation made by the petitioner has not been supported by any evidence. Therefore, he was rightfully discharged from service.

4. I have considered the rival submissions and perused the records.

5. It is seen from the records, especially the representation of the petitioner, dated 19.07.2013, that the petitioner made various allegations against the authorities that the sample was taken in his absence and his signature was obtained by coercion. It is his case that he has not committed any offence as alleged against him and that no defect was found in the procurement of paddy. However, he was issued a show cause notice.

6. The main issue arise for consideration before this Court is whether proper enquiry was conducted, opportunity was given to the petitioner and order of discharge from service was passed. Perusal of the records, especially the proceedings of the second respondent in Na.Ka.No.C4/4037/2013, dated 21.07.2014, shows that after detailing of the charges and the explanation offered by the petitioner, the second respondent has just said that the explanation of the petitioner cannot be accepted and therefore, he was permanently discharged from the post of Seasonal Bill Clerk. The appeal order in Ref. செ.மு.உ.எண்.௪௨/61438/2014, dated 11.12.2014, shows that the case details, representation of the petitioner, grounds of appeal had been extracted in Page Nos.1 to 4 and then in two lines order was passed stating that the explanation offered by the petitioner cannot be accepted and therefore, the finding of the second respondent was confirmed.

7. Thus, it is seen from both the orders that the representation of the petitioner dated 19.07.2013 was not properly
<https://www.secrets.in/boards/> the impugned orders were passed without assigning any



reason. Therefore, the orders are necessarily be set aside. Accordingly, this Court sets aside the orders passed by the first respondent in Ref. செ.மு.அ.எண்.ஏடி 2/61438/2014, dated 11.12.2014 and the Ref. செ.மு.அ.எண்.எஇ 2/4529/2014, dated 24.11.2014 and remitted back the matter to the second respondent for conducting fresh enquiry and passing orders, after considering the representation of the petitioner, dated 19.07.2013. Necessary opportunity must be given to the petitioner, during the course of enquiry. The said exercise should be completed within a period of three months from the date of receipt of a copy of this order.

8. The Writ Petition is disposed of, with the above terms. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Akv

To

1.The Managing Director,
Tamil Nadu Civil Supplies Corporation,
No.12, Thambusami Road,
Kilpauk,
Chennai 600 010.

2.The Senior Regional Manager,
Tamil Nadu Civil Supplies Corporation,
Thanjavur Region,
Thanjavur.

+1 CC to M/s.D.SRINIVASARAGAVAN, Advocate (SR-24915[F] dated 09/06/2022)

W.P. (MD) .No.1705 of 2015

09.06.2022

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