



WEB COPY

W.P.(MD)No.17221 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.01.2022

CORAM

THE HONOURABLE MRS.JUSTICE **S.SRIMATHY**

W.P.(MD)No.17221 of 2016

and

W.M.P.(MD)No.12502 of 2016

S.Anbarasu

... Petitioner

vs.

1.Tamil Nadu News Printing and Papers

Limited,

represented by its Chairman,

67, Mount Road, Guindy,

Chennai - 600 032.

2.The General Manager,

Human Relations,

Tamil Nadu News Printing and Papers

Limited,

Kagithapuram,

Karur District - 639 136.

3.The Inspector,

Vigilance Division,

Tamil Nadu News Printing and Papers

Limited,

Kagithapuram,

Karur District - 639 136.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records of the second respondent in the Office Order No.3514/2016, dated 25.03.2016 and to quash the same and further to direct the second respondent to reinstate the petitioner with full wages from 23.03.2016 and consequential relief as the petitioner is eligible.

For Petitioner : Mr.P.Thirumahilmaran

For Respondents : Mr.VE.M.Shiva Kumar

O R D E R

This Writ Petition is filed for issuance of a Writ of Certiorarified Mandamus, to quash the Office Order No.3514/2016, dated 25.03.2016 and to direct the second respondent to reinstate the petitioner with full wages from 23.03.2016 and consequential relief as the petitioner is eligible.

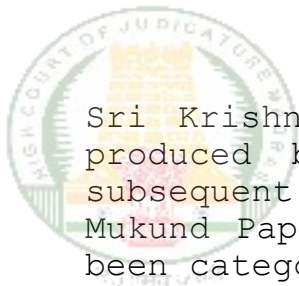


2.The petitioner completed 10th standard in the year 1993 and joined ITI (Printing Fitter) in the year 1993 and completed in the year 1995. The petitioner had undergone Apprenticeship training in Sakthi Sugars Limited from 06.12.1996 to 05.12.1997 and the petitioner had worked under Shri Pavalambika Paper and Boards for a period from 10.09.1995 to 30.09.1996 and 28.05.1998 to 12.06.2000 and thereafter, the petitioner was working in Sri Krishna Papers Industries, Salem District from 25.06.2000 to 02.07.2009 and further worked under Mr.Balamurugan from 01.08.2009 to 2015. Thereafter, the petitioner on seeing advertisement, dated 21.05.2015, in New Indian Express has applied for Semi Skilled "A" Fitter post. The claim of the petitioner is that he has ten years experience and he is fulfilling the qualification prescribed in the advertisement and the petitioner received a call letter, dated 02.06.2015 from the second respondent and the interview was held on 22.09.2015. The petitioner was appointed as Semi Skilled B Fitter and the petitioner joined on 28.11.2015 and was working until 23.03.2016. The petitioner submitted his declaration that he was working in Sri Krishna Paper Industries and had experience as well as he had produced the certificate issued by one Mohan, who was working as a Manager of Production stating that the petitioner was working in Shri Krishna Paper Mills as Fitter in Mechanical Maintenance from 25.06.2000 to 02.07.2009.

3.On verification, it was alleged that the same was not issued by Sri Krishna Paper Industries. Hence, the petitioner was forced to resign by accepting the mistake of submitting forged documents. Thereafter, the respondents have issued the impugned order accepting the resignation and relieved the petitioner from service. The petitioner is also claiming full wages and consequential relief.

4.The respondents have filed a counter affidavit and an additional counter affidavit and for which the petitioner has filed a rejoinder. In the counter affidavit filed by the respondents, they have stated that the fraud is committed by the petitioner and therefore, the petitioner is not entitled to any relief. The respondents have also stated that as per the PF settlements of the petitioner it says he has worked in Shri Balamurugan Paper Boards from 01.11.2011 to 01.02.2015 only. Shri Krishna Paper Industries has confirmed that the petitioner is not employed with them and has stated that Mohan, Shri Krishna Paper Industries had signed the experience certificate. Therefore, the petitioner is making contradictory statements from one after another and the documents produced by the petitioner does not corroborate with the statements given by the petitioner. Hence, the respondents pray to dismiss the Writ Petition.

5.In the rejoinder, the petitioner has stated that he was employed by Shri Lakund Paper Industries, which is a sister concern of



Sri Krishna Paper Industries and he has produced the certificate produced by Mukund Paper Industries and he also relied on a subsequent letter issued by the managing Partner/Proprietor of Sri Mukund Paper Industries and Shri Krishna Paper Mills, where it has been categorically stated as follows:

"This is to certify that Mr.S.Anbarasu s/o Thiru.C.Shanmugam was working in our factory as a fitter in mechanical maintenance section from 25.06.2000 to 02.07.2009 and he was also attending maintenance work in our sisters concern M/s.Sri Krishna Paper Industries situated in Sidco industrial estate Mettur his attendance and PF returns were maintaining in Sri Muhuntha Paper Boards and he relieved from his service in 2009. Now we understand that the then Manager of Sri Krishna Paper Industries gave an experience letter to him on 02.07.2009 without our knowledge. At the time of verification of certificate from TNPL authorities Present Manager of Sri Krishna Paper Industries Mr.R.Kalaichezhian without knowing the fact gave a statement about his working experience to TNPL authorities. Herewith we enclosed the copy of PF statement of Mr.Anbarasu for your reference. This is for your kind consideration."

6.Heard Mr.P.Thirumahilmaran, learned Counsel appearing for the petitioner and Mr.VE.M.Shiva Kumar, learned Counsel appearing for the respondents.

7.On perusing the subsequent letter issued by the managing Partner/Proprietor of Sri Mukund Paper Industries and Shri Krishna Paper Mills, this Court is convinced that there is confusion because of the two certificates issued by the Sri Krishna Paper Industries. Therefore, this Court deems it fit to remit the matter to the respondents. The respondents shall independently verify the records with Sri Krishna Paper Industries as well as Sri Mukund Paper Industries and verify the service records of the petitioner including PF papers. Thereafter, let the respondents pass a speaking order. The petitioner is seeking backwages for the non-employed period. Since this Court is remitting the matter to the respondents, this Court is not stating any opinion on the same and the respondents shall pass order on the said issue also.

8.With this direction, the impugned order of accepting the resignation is set aside and the petitioner is directed to submit to letter revoking the resignation letter and submit himself for the enquiry to be conducted by the respondents. If need be, the petitioner shall submit all the relevant documents to the respondents. Thereafter, the respondents shall come to a conclusion. The petitioner shall submit an application for backwages and the respondents are at liberty to pass orders.



9. With the above direction, the Writ Petition is disposed of.
No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Crl side)

WEB COPY

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Tmg

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 Chairman,
Tamil Nadu News Printing and Papers
Limited,
67, Mount Road, Guindy,
Chennai - 600 032.

2. The General Manager,
Human Relations,
Tamil Nadu News Printing and Papers
Limited,
Kagithapuram,
Karur District - 639 136.

3. The Inspector,
Vigilance Division,
Tamil Nadu News Printing and Papers
Limited,
Kagithapuram,
Karur District - 639 136.

+1 CC to M/s.P.THIRUMAHILMARAN, Advocate (SR-1164[F] dated 11/01/2022)

+1 CC to M/s.M.P.SENTHIL, Advocate (SR-1428[F] dated 12/01/2022)
W.P. (MD)No.17221 of 2016

11.01.2022