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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.01.2023

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P No.2075 of 2023

K.Balakrishnan

Petitioner

vs.

- 1.The Chairman cum Managing Director,
M/s. NLC India Limited,
Neyveli,
Cuddalore District.
- 2.The Senior Manager (Personnel)/Mine-I a/
Disciplinary Authority,
M/s. NLC India Limited,
Neyveli,
Cuddalore District – 607 603.
- 3.The Chief Manager / P & A / Mine-I.
Appellate Authority,
Office of the General Manager / Mine-I & IA
Block 26,
M/s. NLC India Limited,
Neyveli,
Cuddalore District – 607 603.
- 4.The Deputy General Manager,
Human Resources, Mine-I, Mine-I & IA
Block 26,
M/s. NLC India Limited,
Neyveli,
Cuddalore District – 607 603.

Respondents



Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the entire records in pursuant to the order of punishment of removal from the services of the Corporation issued to the petitioner by the 2nd respondent vide Proc. No.MI / P and A / DAC / VIG. / 279-11/ 06 dated 09.03.2007 and quash the same with a consequential direction to the respondents to pay all consequential and attendant benefits within a stipulated time.

For Petitioner : Mr.T.P.Prabakaran

ORDER

This writ petition has been filed challenging the impugned proceedings of the 2nd respondent dated 09.03.2007 and for a consequential direction to the respondent to pay all the consequential and attendant benefits.

2.The petitioner was working in the respondent Corporation and a charge memo was issued to the petitioner on 04.11.2006. The petitioner gave his explanation and ultimately, a major punishment came to be passed against the petitioner removing him from service through impugned proceedings dated 09.03.2007.



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3.The petitioner instead of challenging this order, challenged the incidental order viz., Show Cause Notice dated 21.02.2007 and filed the earlier petition in W.P.No.3360 of 2010.

4.The above writ petition was dismissed by this Court by an order dated 07.03.2020 by stating that the petitioner failed to challenge the punishment order of removal from service. Hence, the present writ petition has been filed challenging the removal order dated 09.03.2007.

5.Heard Mr.T.P.Prabakaran, learned counsel appearing on behalf of the petitioner.

6.In the considered view of this Court, this writ petition is liable to be dismissed on the ground of laches. The petitioner has challenged an order that was passed as early as on 09.03.2007, after nearly sixteen years. The mistake of the petitioner in challenging an incidental order by filing the earlier writ petition in W.P.No.3360 of 2010, cannot be a ground for entertaining this writ petition and this Court does not find any ground to go into the merits of this case at this length of time.



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Costs.

7. In the light of the above, this writ petition stands dismissed. No

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Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
ssr

To

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Neyveli,
Cuddalore District.
2. The Senior Manager (Personnel)/Mine-I a/
Disciplinary Authority,
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N. ANAND VENKATESH, J.

SSR

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