



W.P.No.23170 of 2010

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.12.2023

CORAM

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.P.No.23170 of 2010
and M.P.Nos.1 to 3 of 2010

K.V.Sreenivasan

... Petitioner

Vs

1.Neyveli Lignite Corporation Ltd.,
Represented by its Chairman cum Managing Director,
Neyveli.

2.The Director Planning & Project
(Appellate authority)
Neyveli Lignite Corporation Ltd.,
Neyveli.

3.M.S.Ravindranath

... Respondents

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the entire records pertaining to the impugned order in Procs.No.NLC/Dir(P&)/593/2010 dated 13.09.2010 and all proceedings pursuant to the said impugned order issued by the 2nd respondent herein, quash the same in so far as punishment imposing the

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reduction of three stages in petitioner's time scale for a period of one year as enumerated under Sub clause (v) of rule of NLC Employees (Control & Appeal) Rules and consequently cancel all the proceedings pursuant to the impugned order dated 13.09.2010 and pass such further orders.

For Petitioner : Dr.P.S.Vijaykumar

For Respondents : Mr.N.Nithianandan

ORDER

This Writ Petition had been filed challenging the order of punishment that had been imposed on the petitioner by reduction of three stages of petitioner's pay scale for a period of one year.

2. When the matter was taken up for hearing, the learned counsel for the respondents would indicate that the petitioner had been removed from service for further misconduct in the year 2011 and the same had not been challenged by the petitioner.

3. The learned counsel for the petitioner would seek further time to take out necessary amendment to this Writ Petition so as to

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challenge the order of removal passed by the respondents.

4. I am of the considered view that such a request cannot be entertained as the cause of action to challenge the order of removal from service would be a different cause of action. Considering the fact that the petitioner had been removed from service subsequent to the order impugned in this Writ Petition which has also not been disputed by the learned counsel for the petitioner. I am of the view that the *lis* raised in this Writ Petition does not survive for adjudication any further.

5. The learned counsel for the petitioner would seek liberty to the petitioner to challenge the said order of removal.

6. In fine, this Writ Petition is closed. It is always open to the petitioner to challenge the order of removal subject to the issue of delay and laches. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

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Index : Yes/No
Speaking order : Yes/No
Neutral Citations : Yes/No

K.KUMARESH BABU,J.

gba

To

1.Neyveli Lignite Corporation Ltd.,
Represented by its Chairman cum Managing Director,
Neyveli.

2.The Director Planning & Project
(Appellate authority)
Neyveli Lignite Corporation Ltd.,
Neyveli.

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