



WEB COPY



WP.No.6060 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.10.2023

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THE HONOURABLE MS. JUSTICE R.N.MANJULA

W.P No.6060 of 2021

and

WMP.No.6696 of 2021

D.Mugheelan

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Petitioner

Vs.

1.The Chairman,
Airports Authority of India,
Rajiv Gandhi Bhavan,
Safdarjung Airport,
New Delhi-110 003.

2.The Chief Executive Officer (CEO),
AAI Cargo Logistics & Allied Services Company Ltd,
AAI Corporate Head Quarters,
Rajiv Gandhi Bhavan,
Safdarjung Airport,
New Delhi-110 003.

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Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the connected records relating to the impugned Charge Memo No.C.14011/07/2020-Dis/407, dated 09/12.11.2020, passed by the 1st respondent and quash the same and to direct the 1st respondent to dispose the representations dated 05.08.2020 and 06.10.2020 given by the petitioner which are pending with the 1st respondent and to pass reasonable order as per the Law and Rules on the subject matter.



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For Petitioner : Mr.S.Ramaswamyrajarajan

For Respondents : M/s.A.Arulmary.

ORDER

This Writ Petition has been filed seeking issuance of a Writ of certiorarified Mandamus to call for the connected records relating to the impugned Charge Memo No.C.14011/07/2020-Dis/407, dated 09/12.11.2020, passed by the 1st respondent, and quash the same and to direct the 1st respondent to dispose of the representations dated 05.08.2020 and 06.10.2020 given by the petitioner that are pending with the 1st respondent and to pass a reasonable order as per the Law and Rules on the subject matter.

2. Heard the submissions made by both side learned counsels and perused the materials available on record.

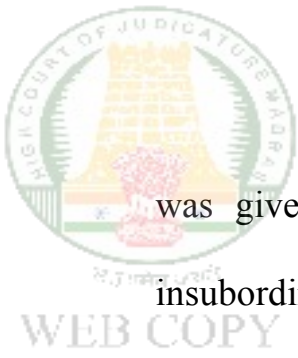
3. The petitioner, while working as a Deputy General Manager (Cargo) at Chennai Airport, was promoted to join General Manager (Cargo) vide order dated 08.04.2019 and posted at Port Blair. Within 4 days of the said order, the petitioner was given an annual transfer order dated 12.04.2019 and posted to Port Blair without any reference to the earlier promotional order. Since the petitioner was suffering from Lumbosarcal Radiculopathy and was under continuous medical treatment, he sought an extension of time to join the promotional post of



Joint General Manager at Port Blair and the time was extended until 30.06.2019.

4. As the petitioner was not able to joined even within the extended time due to his medical condition, he requested to post him at Chennai Airport itself in the promoted post, as there are vacancies available in Chennai. But his request was turned down by the first respondent and he was relieved to join at Port Blair in pursuant to the earlier transfer order without promotion. Though both orders were issued to post the petitioner at Port Blair, they are mutually contradictory. Hence, the petitioner appears to have given a request to the 2nd respondent. However, he was given a charge memo for disobedience. Now the Writ Petition has been filed for challenging the same.

5. The fact that the petitioner on promotion was posted at Port Blair by virtue of an order dated 08.04.2019 was not in dispute. However, for the reason best known to the second respondent, the petitioner was given another transfer order without mentioning the promotional post but was posted at the very same place, i.e., Port Blair Airport. The petitioner got extension of time till 30.06.2019, even to join the promotional post offered to him at the first instance. Under such circumstances, the second order dated 12.04.2019 ought not to have been issued and even if it is issued for any reasons best known to the second respondent, it should also be for the promotional post. Because until 30.06.2019 the petitioner



was given with extension of time, so there cannot be no disobedience or insubordination on the part of the petitioner.

6. Since confusing orders have been issued by the respondents, the petitioner got perplexed and he did not choose to accept both. He had given a request to consider his medical condition and post him at Chennai Airport in the promotional post. Since the same was negated and added with a charge memo, the petitioner has filed this Writ Petition.

7. The respondents are aware of the lack of reasonableness on their part in issuing two different confusing orders. At least, the petitioner could have been called for to offer an explanation. Instead, the respondents have been given with a charge memo. However, the respondents can still consider the request placed by the petitioner for posting him at Chennai Airport on the medical grounds stated by him.

8. Since the petitioner has stated good grounds to be contested in any of the contemplated disciplinary proceedings, I leave it to the appreciation to the authorities concerned to take a decision on this. It is reliably learnt that the petitioner was not given a show cause before initiating the charge memo. Since the petitioner had given a request to the respondents, the respondents shall consider his request in a sympathetic and reasonable manner and pass an



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appropriate order within a period of six weeks from the date of receipt of copy of this order.

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9. With the above observation, this Writ Petition is disposed and it will be appreciable if the respondents consider the representation of the petitioner and pass orders in such a way that it shall not prompt the petitioner to come to Court once again. No costs. Consequently, the connected miscellaneous petition is closed.

30.10.2023

Index : Yes

Internet : Yes/No

jrs

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R.N.MANJULA, J.

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