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W.P.No.14061 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.11.2023

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THE HONOURABLE Ms.JUSTICE R.N.MANJULA

W.P. No.14061 of 2020

V.Umapathy

S/o.M.Varadhan

Res: No.5/282, C.M.D.A. Colony

Maduravoyal, Chennai 600095

... Petitioner

/Vs/

1.The Chairman-cum-Managing Director

Tamil Nadu Medicinal Plant Farms and

Herbal Medicine Corporation Limited (TAMPCOL)

(A Government of Tamil Nadu undertaking)

Arumbakkam, Chennai 600 106.

2.The General Manager

Tamil Nadu Medicinal Plant Farms and

Herbal Medicine Corporation Limited (TAMPCOL)

(A Government of Tamil Nadu undertaking)

Arignar Anna Hospital Campus

Arumbakkam, Chennai 600 106.

...

Respondents

Writ Petition is filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus to call for the records relating to the impugned order of the first Respondent in Na.Ka.No.A1/1008/2009 dated 10.07.2020 and the order of the second Respondent in Na.Ka.No.A1/1008/09 dated 17.12.2009 and quash the same and direct the Respondents to reinstate



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the Petitioner in service with backwages, continuity of service and all other attendant service benefits.

For Petitioner : Mr.T.N.Sugesh

For Respondents : Mr.T.Chezhiyan
Additional Government Pleader

ORDER

This Writ Petition has been filed for issuance of Writ of Certiorarified Mandamus to call for the records relating to the impugned order of the first Respondent in Na.Ka.No.A1/1008/2009 dated 10.07.2020 and the order of the second Respondent in Na.Ka.No.A1/1008/09 dated 17.12.2009 and quash the same and direct the Respondents to reinstate the Petitioner in service with backwages, continuity of service and all other attendant service benefits.

2.Heard Mr.T.N.Sugesh, learned counsel for the Petitioner and Mr.T.Chezhiyan, learned Additional Government Pleader for the Respondents.

3.Mr.T.N.Sugesh, learned counsel for the Petitioner submitted that the Petitioner was not given with the materials and document on which the charges have been raised against him and enquiry proceedings have been done without following the essential principles of natural justice and action has been taken



against him for his active participation as Secretary of Trade Union.

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4.Mr.T.N.Sugesh, learned counsel for the Petitioner further submitted that the similarly placed employees have been reinstated but the Petitioner alone was removed from service and claimed that there is disparity on treatment between two similarly placed persons.

5.Mr.T.N.Sugesh, learned counsel for the Petitioner attracted attention of this Court to the proceedings of the General Manager TAMPCOL, dated 09.11.2009, wherein some of the employees who were kept under suspension were reinstated by passing order for revoking their suspension.

6.From the said document, it is not known what are the charges framed against those employees and whether disciplinary proceedings has been initiated against them also. So far as this Petitioner is concerned, he was given with seven charges and at the end of the enquiry proceedings, six charges have been proved against him. Unless the Petitioner could establish that the other employees have also been similarly charged, he could not claim that they have suffered a differential treatment at the hands of the disciplinary authority.



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7.The Petitioner has also challenged the order of appointing authority by way of preferring an appeal, to the Chairman-cum-Managing Director/first Respondent and he has also passed a speaking order by dismissing the Appeal. In the order passed by the Appellate authority, he has stated that it is the Petitioner, who voluntarily evaded to receive any documents and to cross examine the witnesses.

8.Delinquent who had voluntarily waived to receive the material documents and cross examine the witnesses cannot come at the later point of time and state that material documents were not supplied to him and that he was not given with any opportunity of fair hearing. If he makes such defends later, it can only be perceived an intention drag on the proceedings and keep it alive. Hence, I do not find any merits in this case.

9.In the result, with the above observation, this Writ Petition is dismissed.

No costs.

21.11.2023

Index : Yes/No
Neutral citation : Yes/No
Speaking Order/Non-Speaking Order

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R.N.MANJULA, J.

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