



W.P.No.6395 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.07.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.6395 of 2016

and W.M.P.Ns.5691 of 2016, 3225 & 25276 of 2017

Neyveli Lignite Corporation Ltd.,
Represented by its
Chief General Manager,
Neyveli New Thermal Power Project,
Neyveli 607 807.

. . . Petitioner

Vs.

1. Joint Director
Industrial Safety and Health,
Office of the Joint Director (Industrial Safety and Health)
Government of Tamil Nadu,
Cuddalore.
2. The Government of Tamilnadu,
Represented by its Secretary,
Department of Labour,
Fort St.George,
Chennai-6.
3. R.Rajasekaran,
Joint Director (Industrial Safety and Health)
E-105, Rajaji Road,
Block 19,
Neyveli 607 803.

. . . Respondents



W.P.No.6395 of 2016

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari any other Writ, Order or Direction in the nature of Writ of Certiorari, call for the records of the proceeding bearing No.Na.Ka.No.E/332/2016 dt.03/02.2016 on the file of the 1st respondent quash the same.

For petitioner : M/s.F.B.Benjamin George

For Respondents : Mr.V.Ravi,

Special Government Pleader for R1 & R2

ORDER

Aggrieved by the impugned show cause notice issued by the 1st respondent, the petitioner is before this Court.

2. It is the case of the petitioner that pursuant to the inspection conducted in the petitioner corporation on 22.01.2016, alleging irregularities, a show cause notice has been issued by the 1st respondent, calling upon the Chairman and the Managing Director of the petitioner corporation to show cause as to why they should not be prosecuted in view of the alleged irregularities. Aggrieved by the same, the petitioner is before this Court.

3. This Court heard the learned counsel appearing on either side and perused the materials available on record.



W.P.No.6395 of 2016

4. Though the present Writ Petition has been filed challenging the impugned order of issuance of show cause notice, however, it has been the consistent view of the Courts that the Courts cannot interfere with the show cause notice at the threshold except for lack of jurisdiction or vague. Therefore, the prayer sought for in the present Writ Petition cannot be entertained. The petitioner has to necessarily submit his explanation to the show cause notice. Upon receipt of such explanation, the 1st respondent is directed to pass appropriate orders on the same within a period of twelve weeks from the date of explanation. However, it is open for the petitioner to raise objections, if any, before the said authority.

5. With the above observations, this Writ Petition stands dismissed. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

17.07.2023

Index : Yes / No
Internet : Yes / No

NHS



WEB COPY



W.P.No.6395 of 2016

M.DHANDAPANI, J

NHS

To

1. Joint Director
Industrial Safety and Health,
Office of the Joint Director (Industrial Safety and Health)
Government of Tamil Nadu,
Cuddalore.
2. The Government of Tamilnadu,
Represented by its Secretary,
Department of Labour,
Fort St. George,
Chennai-6.
3. R. Rajasekaran,
Joint Director (Industrial Safety and Health)
E-105, Rajaji Road,
Block 19,
Neyveli 607 803.

W.P.No.6395 of 2016

17.07.2023