



WEB COPY



W.P.No.19865 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.07.2023

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

WP.No.19865 of 2023 &

WMP.Nos.19208, 19210 & 19211 of 2023

V.Sukumar

... Petitioner

Vs

1. The Member [HR]
Airports Authority of India,
Rajiv Gandhi Bhawan, Safdarjung Airport,
New Delhi – 110 003.
2. The Regional Executive Director – Southern Region,
Airports Authority of India, Chennai Airport,
Chennai – 600 027.
3. The Airport Director – Salem
Airports Authority of India,
Salem Airport, Salem.
4. J.Edwin Dinroze,
Asst.General Manager [HR], RHQ-SR,
Chennai, Airports Authority of India,
Chennai Airport, Chennai – 600 027.

... Respondents



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Prayer:- Writ Petition filed, under the Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records of the respondents herein, which culminated in the Impugned E-Mail dated 18.05.2023 of the fourth respondent herein through the third respondent herein, quash the said E-mail communication as illegal and improper and direct the first respondent to consider and properly analyze the petitioner's Appeal dated 24.04.2023 comprising the entire grounds of Appeal, explanation of petitioner to Memorandum and other documents and to decide the Appeal with proper reasons assigned to the decision within a time frame fixed by this Court.

For Petitioner : Mr.T.K.S.Gandhi

ORDER

This Writ Petition has been filed to quash Impugned E-Mail dated 18.05.2023 of the fourth respondent as illegal and improper and direct the first respondent to consider the petitioner's Appeal dated 24.04.2023 and to decide the Appeal with proper reasons assigned to the decision within a time frame fixed by this Court.



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2. It is the contention of the petitioner that the petitioner has put in 27 years of unblemished service in the Fire Safety Department at Airports Authority of India. Two Junior Assistants under probation in the Fire Department had taken long unauthorised leave for their personal reasons. It is the further contention of the petitioner that though they availed the leave with the consent of the then Airport Director, Mr.Ravindra Sharma, as the petitioner objected to counter sign the attendance register, the petitioner was repeatedly subjected to humiliation and ill treatment and slapped a disciplinary enquiry wherein he was inflicted with stoppage of increment with cumulative effect for a period of one year by an Order dated 27.03.2023. Challenging the said Order, the petitioner filed the appeal before the first respondent. However, the fourth respondent has sent an Email communication stating that stay would not be granted during the pendency of appeal. Therefore, the petitioner has filed the present Writ Petition seeking stay of the Order.



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3. At the outset, this Court is of the view that since the petitioner had already filed an appeal, Writ Petition cannot be maintained for the same relief. In such view of the matter, the first respondent is directed to dispose of the appeal filed by the petitioner by considering the defence of the petitioner and pass a speaking Order within a period of one month from the date of receipt of a copy of this Order.

4. With the above direction, this Writ Petition is disposed of. Consequently, connected miscellaneous petitions are closed. No costs.

06.07.2023

Index:Yes/No

Neutral Citation : Yes/No

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To,

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N.SATHISH KUMAR, J.

VTC

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