



Writ Petition No.28999 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.10.2023

CORAM

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

Writ Petition No.28999 of 2023

and

W.M.P.Nos.28568, 28570 & 28572 of 2023

V.Manikandan
S/o.M.Venkatesan

... Petitioner

Vs.

1.The Board of Directors,
Tamil Nadu Minerals Limited,
Chepauk, Chennai - 600 005.

2.The Managing Director,
Tamil Nadu Minerals Limited,
Chepauk, Chennai - 600 005.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for records relating to the impugned order passed by second respondent in final order proceedings in Rc.No.1180/H.R.1(2)/2022 dated 02.08.2023 and quash the same and consequently, direct the second respondent to grant all monetary



Writ Petition No.28999 of 2023

and attendant benefits which was deprived during the pendency of disciplinary proceedings and in view of illegal suspension.

For Petitioner : Mr.M.Suresh Viswanathan

For Respondents : Mr.L.S.M.Hasan Fizal
Additional Government Pleader

ORDER

This Writ Petition has been filed seeking to quash the order passed by second respondent in final order proceedings in Rc.No.1180/H.R.1(2)/2022 dated 02.08.2023 and consequently, direct the second respondent to grant all monetary and attendant benefits which was deprived due to pendency of disciplinary proceedings and in view of illegal suspension.

2. The case of the petitioner is as follows:

2.1. The petitioner is presently working as a Junior Assistant in Tamil Nadu Minerals Ltd., under the administrative control of the second respondent herein. The petitioner had joined in the second respondent undertaking in the year 2008 as an "unskilled worker" on compassionate



Writ Petition No.28999 of 2023

grounds. Now, the petitioner has completed 15 years of service in the second respondent undertaking.

2.2. While so, all of a sudden, in May'2022, the petitioner was transferred from establishment section to production section. Pursuant to the same, the petitioner had also joined in the production section wherein production related files of Sivagangai Factory, Trichy, Villuppuram, Ennore and Mudaliyarkuppan, were maintained. However, the petitioner found no such files were maintained there as per Office Order No.17/20, dated 26.08.2020. The second respondent found the petitioner as negligent and suspended him on 13.10.2022 and it was revoked on 04.11.2022. However, the second respondent had framed charges on 20.02.2023 against the petitioner for neglect of work. The Assistant Manager of Villupuram Office was appointed as Enquiry Officer and he held that the charges against the petitioner were not proved. Though the Enquiry Officer had given a finding that the charges against the petitioner were not proved, the disciplinary authority/second respondent had rendered a finding that the petitioner had



Writ Petition No.28999 of 2023

failed to bring the lapses to his immediate superior officials and imposed a minor punishment of stoppage of increment for one year with cumulative effect. Against such order, the petitioner preferred an appeal before the Board of Directors, TAMIN, Chennai, on 28.09.2023.

2.3. The grievance of the petitioner is that the second respondent had taken steps to conduct examination for "Assistant Posts" and issued list of names eligible to write the examination vide proceedings dated 14.09.2023, but the name of the petitioner has been left over due to the aforesaid punishment. Left with no other option, the petitioner has filed the present Writ Petition seeking for the aforesaid relief.

3. Heard Mr.M.Suresh Viswanathan, learned counsel for petitioner and Mr.L.S.M.Hasan Fikal, learned Additional Government Pleader appearing for respondents.

4. It is seen that the petitioner has preferred an appeal challenging the



Writ Petition No.28999 of 2023

order passed by the second respondent and the same is pending consideration. In such circumstances, this Court cannot grant any interim relief to the petitioner. At best, this Court can issue a direction for disposal of the appeal preferred by the petitioner.

Accordingly, this Writ Petition is disposed of directing the first respondent to dispose of the appeal preferred by the petitioner within a period of eight (8) weeks from the date of receipt of a copy of this order. After disposal of the appeal by the first respondent, the petitioner can approach the authorities concerned for appropriate relief, if he is otherwise entitled. No costs. Consequently, connected miscellaneous petitions are closed.

05.10.2023

Index : Yes/No
Speaking order: Yes/No
Neutral citation: Yes/No
gm

V.BHAVANI SUBBAROYAN, J



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Writ Petition No.28999 of 2023

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To

- 1.The Board of Directors,
Tamil Nadu Minerals Limited,
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Writ Petition No.28999 of 2023

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