



WEB COPY

W.P.Nos.1148 & 2370 of 2021



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.03.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.Nos.1148 & 2370 of 2021

and

W.M.P.Nos.1283, 2678, 9142 & 9183 of 2021

V.S.Saimadhusuthanan

...

Petitioner
[in W.P.No.1148 of 2021]

M.Suresh Babu

...

Petitioner
[in W.P.No.2370 of 2021]

versus

1. Director of Handlooms and Textiles,
Kuralagam (II Floor),
Chennai - 600 108.

2. Joint Director of Handlooms and Textiles (Uniform),
Kuralagam (II Floor),
Chennai - 600 108.

3. Assistant Director of Handlooms and Textiles,
No.26 Lalbahadur Sastri Street,
Periakuppam,
Tiruvallur - 600 201.

...

Respondents
[in both W.Ps]



COMMON PRAYER: Writ Petitions filed under Article 226 of the Constitution of India, seeking for a writ of Certiorarified Mandamus, calling for the records of the first respondent relating to his orders Rc.19906/2018/Q1 dated 07.12.2020 and 14.12.2020 and of the second respondent relating to his orders No.Rc.19906/2018/Q1 dated 08.09.2020 and 11.09.2020 respectively and quash both the orders.

For Petitioner : Mr.A.Praveenkumar
[in both W.Ps]

For Respondents : Mr.P.Sathish
[in both W.Ps] Additional Government Pleader

COMMON ORDER

Heard Mr.A.Praveenkumar, learned counsel for the petitioners and Mr.P.Sathish, learned Additional Government Pleader for the respondents and perused the materials available on record.

2. Mr.A.Praveenkumar, learned counsel for the petitioners submitted that while enhancing the punishment, the Appellate Authority confirmed the punishment imposed by the Disciplinary Authority and also passed an order for recovery, without giving any opportunity to the petitioners. It is further submitted that as per the Inspection Report,



surcharge proceedings has been initiated against the Society and that will not bind the petitioners.

3. However, Mr.P.Sathish, learned Additional Government Pleader for the respondents submitted that the surcharge proceedings will bind the petitioners as well.

4. It would have been fair if the Appellate Authority had given any opportunity to the petitioners before passing any orders as to recovery. It is needless to state that the petitioners have also got the liberty to challenge the surcharge proceedings, if they were advised in the manner known to law. As the order of the Appellate Authority has been passed without giving any opportunity to make submissions if any in respect of the order of excess punishment, I feel it is appropriate to set aside the order of the Appellate Authority and remand the matter back to the first respondent to decide the appeal afresh and pass appropriate orders.



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5. The petitioners are at liberty to raise the contention as to the non-granting sufficient opportunity at the time of enquiry as a ground in their appeal and the first respondent shall consider the grounds of appeal raised by the petitioners and pass orders by appreciating the same without extracting the orders of the Disciplinary Authority.

6. Hence, these Writ Petitions are **disposed**. No costs. Consequently connected Miscellaneous Petitions are closed.

21.03.2024

Speaking order / Non-speaking order

Index : Yes / No

Internet : Yes

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To

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R.N.MANJULA, J.

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