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W.P.No.7260 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.07.2024

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THE HONOURABLE MR. JUSTICE MUMMINENI SUDHEER KUMAR

W.P No.7260 of 2021 and
W.M.P.No.7758 and 15518 of 2021

K.Senthilkumar

...Petitioner

Vs.

1. Tamil Nadu Cements Corporations Limited
(A Government of Tamil Nadu undertaking)
Rep. By its Managing Directorate
L.L.A Building, 735, Anna Salai
Chennai-600 002.

2.The Deputy General Manager (T)/
Unit Head Ariyalur Cement Works
Tamil Nadu Cements Corporation Limited
Ariyalur District-621 729
Tamil Nadu

..Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, calling for the records relating to the proceedings of the second respondent vide his proceedings ACW/PL-1/2021 culminating in his order dated 12.03.2021, quash the same.



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For Petitioner : Mr.C.K.Chandrasekar
for Mr.M.Santhanaraman

For Respondents 1 &2 : Mr.A.Sivaji

ORDER

The petitioner herein was initially appointed as Assistant Manager (Mines) on 14.05.2011 in the 1st respondent corporation and was subsequently promoted to the post of Deputy Manager (Mines) through proceedings dated 09.05.2018. The probation of the petitioner in the post of Deputy Manager (Mines) was declared. While he was continuing his work in the post of Deputy Manager (Mines), the 2nd respondent issued impugned proceedings dated 12.03.2021 reverting the petitioner to the post of Assistant Manager(Mines) from the post of Deputy Manager (Mines) on the ground that First-Class Mines Manager's Certificate awarded to the petitioner was cancelled and to that effect, a communication was received from the Secretary, Board of Mining Examination through E-mail dated 11.04.2020. Thus, on the ground that the petitioner does not possess the qualification required for the post of Deputy Manager (Mines), he was reverted to the post of Assistant Manager (Mines). Aggrieved by the said



proceedings dated 12.03.2021, the petitioner approached this Court.

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2.The learned counsel for the petitioner argued the matter at length and mainly contended that the impugned proceedings was issued in violation of the principles of natural justice as no opportunity was afforded to the petitioner before issuing impugned proceedings. As the main ground challenging the impugned proceedings is violation of the principles of nature justice, this Court is not inclined to examine the matter in detail. On a perusal of the impugned order, it appears that the respondents have not issued any notice to the petitioner before issuing the impugned proceedings reverting the petitioner to the post of Assistant Manager (Mines). Admittedly, the petitioner was promoted to the post of Deputy Manager (Mines) on 09.05.2018 and he has been continuing in the said post for almost three years. All of a sudden, the impugned proceedings came to be issued reverting the petitioner to the post of Assistant Manager(Mines). There is nothing in the impugned order to show that any opportunity was afforded to the petitioner before issuing the impugned proceedings.

3. Though elaborate counter affidavit has been filed by the respondents,



there is nothing to show that the respondents have followed the principles of natural justice before issuing impugned proceedings. On the other hand, it is stated that there is no necessity to follow the principles of natural justice in the facts and circumstances of the case. This Court is unable to acknowledge such contentions advanced on behalf of the respondents for the simple reason that the petitioner was given the benefit of promotion in the year 2018 and he has been enjoying the same for three years. For any reason, the respondents finds that the petitioner has been erroneously awarded such promotion or the petitioner has incurred any dis-qualification, it is always open for the respondents to take appropriate action in accordance with the law and also by following the principles of natural justice. But, the respondents under no circumstances, are entitled to issue orders straightaway affecting the status of the petitioner as well as causing monetary loss to the petitioner.

4. In such circumstances, this Court is of the considered view that the impugned order dated 12.03.2021 is liable to be set aside only on ground of violation of principles of natural justice. Accordingly, the same is set aside. The respondents are directed to permit the petitioner to continue as Deputy Manager



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(Mines) with all consequential benefits. However, it is open to the respondents to take appropriate action against the petitioner in accordance with the law.

5. In the light of the above, this writ petition is allowed. Consequently, the connected miscellaneous petitions are closed. No costs.

23.07.2024

Index : Yes/No
Neutral Citation : Yes/No
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MUMMINENI SUDHEER KUMAR, J.

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