



WEB COPY

W.P.No.5627 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.09.2024

CORAM

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.No.5627 of 2015

Mrs.Geetha Kuppan

... Petitioner

Vs.

1. The Managing Director,
Central Warehousing Corporation,
4/1, Siri Institutional Area,
Hauzkhas, New Delhi – 100 016.

2. The General Manager (Personnel),
Central Warehousing Corporation,
4/1, Siri Institutional Area,
Hauzkhas, New Delhi – 100 016.

3. The Deputy General Manager (Personnel),
Central Warehousing Corporation,
4/1, Siri Institutional Area,
Hauzkhas, New Delhi – 100 016.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records pertaining to proceedings bearing No.CWC/ I-8343/ Estt/ 1129A dated 23.1.2015, on the files of 3rd



respondent and quash the same.

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For Petitioner : M/s.Rita Chandrasekar

For R2 : Mr.Avinash Wadhwani

ORDER

This writ petition has been filed questioning the memorandum bearing No.CWC/I-8343/Estt/1129A dated 23.01.2015, whereby the petitioner was asked to explain as to why action under Regulation 20(ii)(d) of CDW Staff Regulations, 1986 (hereinafter referred to as 'the Regulations' for short) should not be taken against the petitioner, consequent upon the conviction of the petitioner under Section 13(2) read with 13(1)(e) of the Prevention of Corruption Act, 1988 by the Court of the Special Judges, CBI Chennai through order dated 30.12.2015.

2. The learned counsel for the petitioner contended that the respondents cannot read the Regulation 20(ii)(d) of the Regulations in isolation and the same is required to be read along with Regulation 20(i) of the said Regulations and thereby, they are under obligation to give three months notice pay, as required under the Regulation 20(i) of the said Regulations.



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3. As already noted above, the impugned memorandum dated 23.01.2015 is only a show-cause notice, requiring the petitioner to explain as to why the action should not be taken against the petitioner under Regulation 20(ii)(d) of the said Regulations and the same is not an order passed under Section 22(ii)(d) of the said Regulations.

4. The question of giving three months notice or notice pay would arise only while passing an order under the said Regulations. While the impugned memorandum is only a show-cause notice, the question of giving three months notice at this stage does not arise. The impugned memorandum is only a show-cause notice and the petitioner, instead of submitting her explanation and awaiting final order to be passed under the said Regulation, approached this Court by filing the present Writ Petition. None of the grounds on which the show-cause notice can be challenged are raised in the present writ petition. It is also not the case of the petitioner that the Deputy General Manager Personnel, who issued the impugned memorandum is not the competent authority to issue the said notice.



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5. In the circumstances, this Court does not find any merit in the writ petition and the same is accordingly, dismissed. There shall be no order as to costs. Consequently, the connected Miscellaneous Petitions, if any shall stand closed. It is made clear that this Court has not expressed its view on the entitlement of the petitioner for three months notice as claimed. It is for the respondents to examine the same in accordance with law.

11.09.2024

skr

(2/2)

Index : Yes / No

Speaking order / Non-speaking order

Neutral Citation : Yes / No

To

1. The Managing Director,
Central Warehousing Corporation,
4/1, Siri Institutional Area,
Hauz khas, New Delhi – 100 016.
2. The General Manager (Personnel),
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3. The Deputy General Manager (Personnel),
Central Warehousing Corporation,
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Hauzkhas, New Delhi – 100 016.

MUMMINENI SUDHEER KUMAR, J.

skr

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