



WEB COPY

W.P.No.9871 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.04.2024

CORAM

THE HONOURABLE MR.JUSTICE **D. BHARATHA CHAKRAVARTHY**

W.P.No.9871 of 2024

V. Sivasankaran

... Petitioner

-Vs-

1. The Managing Director
State Industries Promotion
Corporation of Tamil Nadu Limited (SIPCOT)
No.19A, Rukmanilakshmipathi road,
Egmore, Chennai 600 008.

2. The Principal Secretary to Government
Industries (MIG.1) & Chairman of SIPCOT
Secretariat, Chennai 600 009.

3. The General Manager (Hrd), SIPCOT,
State Industries Promotion
Corporation of Tamil Nadu Limited (SIPCOT)
No.19A, Rukmanilakshmipathi Road,
Egmore, Chennai 600 008.

... Respondents

Prayer :- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus calling for the records in proceedings of respondents in E3/Misc/45/2009 dated 23.05.2022 and quash the same consequently direct the 1st to 3rd respondents to pay all the pending consequential service benefits such as seniority, promotion and monetary benefits, including regularising the suspension period as duty period for all monetary and service benefits.



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For Petitioner : Mr.S.Saranraj

For Respondents : Mr.Abishek Murthy
Standing Counsel

ORDER

This writ petition is filed for issuance of a Writ of Certiorarified Mandamus calling for the records in proceedings of respondents in E3/Misc/45/2009 dated 23.05.2022 and quash the same consequently direct the 1st to 3rd respondents to pay all the pending consequential service benefits such as seniority, promotion and monetary benefits, including regularising the suspension period as duty period for all monetary and service benefits.

2. The learned counsel for the petitioner submitted that there is no such enabling provision in the punishment rules to reduce the rank by two stages, therefore the impugned punishment is illegal.

3. Mr.Abishek Murthy, learned Standing Counsel takes notice on behalf of the respondents and submitted that the petitioner did not file any appeal as against the punishment order. On the contrary, he has also proceeded on voluntary retirement with effect from 30.01.2023. Now he is challenging the impugned order belatedly.



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4. Heard both sides and perused the materials available on record.

5. As rightly contended by the learned Standing Counsel for the respondents, even though the order of punishment has been passed on 23.05.2022, if the petitioner was aggrieved, it was open for the petitioner to file an appeal before the Board of Directors of the respondent Corporation. He did not file any appeal and kept quiet. By accepting the reversion he submitted an application for voluntary retirement and the same was also accepted and he proceeded to retire on voluntary retirement with effect from 30.01.2023. In that view of the matter, the petitioner cannot now challenge the order of punishment belatedly. Therefore, the writ petition cannot be entertained at this stage, accordingly the writ petition stands dismissed. No costs.

10.04.2024

Index : Yes/No
Speaking order/Non-speaking order
dpq



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D. BHARATHA CHAKRAVARTHY, J.

dpq

To

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