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W.P.No.14686 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.06.2024

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.14686 of 2024

S.Anbuselvam

..

Petitioner

Vs.

Tamil Nadu Civil Supplies Corporation
Head Office, Rep. by its Managing Director
CMRL Depot, Koyambedu
Chennai – 107.

..

Respondent

Prayer: Petition filed under Article 226 of the Constitution of India praying for a writ of certiorarified mandamus, calling for the records relating to the proceedings in Se.Mu.Aa.No.AE13/33024/2023 dated 15.03.2024 of the respondent and quash the same and consequently direct the respondent to continue to employ the petitioner in the promoted post as Quality Inspector.

For the Petitioner : Mr.S.Venkataraman

For the Respondent : Mr.C.Selvaraj

ORDER

The present writ petition challenges the order dated 15.03.2024 in and by which, the petitioner's promotion as Quality Inspector was canceled and he was reverted as Assistant Quality Inspector.



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2. The impugned order states that the petitioner was facing a charge memorandum as on the date of promotion and without noticing the same, promotion was given.

3. *Mr.S.Venkataraman*, learned counsel appearing on behalf of the petitioner contends that the said charge memorandum cannot come in the way of grant of promotion to the petitioner, since it was not pending as on the crucial date. Be that as it may, the impugned order visits the petitioner with civil consequences.

4. *Mr.C.Selvaraj*, learned counsel takes notice on behalf of the respondent and he is not in a position to point out from the impugned order whether any show-cause notice was issued prior to the passing of the impugned order.

5. A perusal of the impugned order and the reference stated therein, it is clear that no show-cause notice has been issued prior to the passing of the impugned order. In that view of the matter, the present writ petition stands allowed in the following terms:



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(i) the impugned order dated 15.03.2024 is quashed and set aside;

(ii) however, the respondent will be at liberty to decide the matter afresh by issuing show-cause notice and giving an opportunity to the petitioner to make a written representation as well as oral hearing and after considering the objections raised by the petitioner.

There shall be no order as to costs. Consequently, W.M.P.No.15938 of 2024 is closed.

06.06.2024

Index : Yes/No

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To:

1. Tamil Nadu Civil Supplies Corporation
Head Office, Rep. by its Managing Director
CMRL Depot, Koyambedu
Chennai – 107.



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D.BHARATHA CHAKRAVARTHY,J.

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