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W.P.No.16990 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.10.2024

CORAM:

THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

W.P.No.16990 of 2020

R.Thiyagu

....Petitioner

Vs

1. The Managing Director,
TASMAC Ltd, 4th Floor, CMDA Tower,
Egmore, Chennai – 600 008.
2. The Senior Regional Manager,
TASMAC Ltd., LLA Building,
Mount Road, Chennai – 600 002.
3. The District Manager,
TASMAC Ltd, Thiruvallur East District,
Thiruvallur.

....Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India, pleased to issue a Writ of Certiorarified Mandamus calling for the records from the 1st Respondent in Ref. செ.மு.ந.க.எண்.ஆர் 1/2781/2019 நாள் 27.05.2019 and quash the same and consequently direct the respondents to reinstate the petitioner into service and pay all the attendant benefits and backwages.

For Petitioner : Mr.D.Bharathy

For Respondents : No appearance

ORDER

The instant Writ Petition has been filed challenging the order rejecting the request of the petitioner for reinstatement.



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2. The learned counsel for the petitioner is present. When the matter was taken up for hearing on 17.10.2024, there was no representation for the respondents and today also there is no representation for the respondents.

3.1 The learned counsel for the petitioner would submit that there was no disciplinary proceedings initiated against him nor domestic enquiry was conducted. He further contended that, based upon the explanation denying the charge, the respondent has passed the order of dismissal without even affording an opportunity to the petitioner to let in evidence and that the documents relied by the Management was not furnished upon him. Further, the witness was also not examined by the Management to prove the charge.

3.2 The learned counsel would further contend that, similarly placed persons, were dealt leniently and have been reinstated into services and their suspension period has been treated as break-in service.

4. I have given my anxious consideration to the above submissions.



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5. The main contention put forth by the petitioner is that, no domestic enquiry was conducted. But to substantiate the same, no material was furnished. But the Reviewing Authority stated that the domestic enquiry was conducted on 17.04.2015. The dismissal order dated 16.05.2015, refer about the domestic enquiry and the opportunity provided to the petitioner to defend himself. Therefore, when the Disciplinary Authority has provided opportunity to defend himself, and when the authority has relied upon some material to arrive at a conclusions against the petitioner, in the Judicial Review, this Court cannot go into the ultimate finding unless the same is perverse. Hence, this Court could not find any perversity. In such view of the matter, this Court also can't go into the proportionality of the punishment unless the same is shockingly disproportionate. Hence, the charge against the petitioner are grave in nature and also an FIR pending against the petitioner. Therefore, this Court do not find any ground to interfere in the impugned order passed by the respondents.



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6. In the result, the Writ Petition stands dismissed. No costs.

19.10.2024

Index :Yes/No
Neutral Citation : Yes
Speaking order : Yes
Sma

To

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C.KUMARAPPAN, J

Sma

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