



W.P.(MD)No.15382 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.07.2024

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THE HONOURABLE MS JUSTICE R.N.MANJULA

W.P.(MD)No.15382 of 2024

and

W.M.P.(MD)No.13478 of 2024

Meenakshi

... Petitioner

Vs.

The General Manager, (Human Resource),
Tamil Nadu Newsprint and Papers Ltd.,
Kagithapuram, Pugalur Taluk,
Karur District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned dismissal order issued by the respondent in his proceedings in HR/06/3058, dated 25.06.2024 and quash the same as illegal and consequently directing the respondent to reinstate the petitioner into service with back wages within the time stipulated by this Court.

For Petitioner : Mr.B.Santhanam Rajesh Kumar
For Respondent : Mr.M.P.Senthil
Standing Counsel

ORDER

This writ petition has been filed challenging the dismissal order issued by the respondent in proceedings in HR/06/3058, dated 25.06.2024 as



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illegal and consequently to direct the respondent to reinstate the petitioner into service with back wages within the time stipulated by this Court.

2.By consent of both sides, the Writ Petition is taken up for final disposal at the admission stage itself.

3.Heard Mr.B.Santhanam Rajesh Kumar, learned counsel for the petitioner and Mr.M.P.Senthil, learned Standing Counsel for the respondents.

4.The petitioner was working as a semi-skilled labour under the respondent. She was given with the charges that she has involved in fraudulent activities by obtaining money from the job seekers on false promise of securing them employment in TNPL Factory/TNPL Schools. In this regard a criminal case has been registered against the petitioner on the complaint given by an individual in Crime No.464 of 2023 dated 10.10.2023. In pursuant to the disciplinary action initiated against the petitioner, the petitioner has been given with the punishment of dismissal from service.

5.The learned counsel for the petitioner submitted that the order of punishment has been imposed without following due procedure and without conducting the enquiry in a proper manner by giving show cause notice to the



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petitioner. He further submitted that the criminal case, based on which the punishment of dismissal from service has been imposed, has been quashed by this Court in Crl.O.P.(MD)No.22785 of 2023 through order dated 08.04.2024 on compromise. However, without taking into consideration of the fact that as on date when the punishment order was passed, there was no case pending against the petitioner, the punishment order has been imposed.

6.The learned Standing Counsel for the respondent submitted that the enquiry proceedings have been initiated after giving show cause notice to the charge sheet issued against the petitioner. After getting the explanation from the petitioner, the said enquiry proceedings was completed on 06.01.2024. The petitioner was also given with the second show cause notice on 03.06.2024, to which the petitioner had submitted her explanation on 21.06.2024. The impugned order of punishment was issued only after considering the explanation submitted by the petitioner.

7.He contended that the petitioner had not stated about the disposal of the criminal proceedings initiated against him. The fact was not stated in his explanation dated 21.06.2024 submitted to the second show cause notice. Further, the petitioner has not challenged the enquiry proceedings on the ground of violation of principles of natural justice, instead she had only chosen to



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challenge the order of punishment by stating that the order has been passed without following the due procedure of law. In fact, the petitioner subjected herself to the disciplinary proceedings and also submitted her explanation for the first show cause notice and the second show cause notice.

8.Perusal of the impugned order shows that the first respondent was under the impression that the criminal case registered against the petitioner is still pending and he has passed the order of punishment of removal from service. Since the essential facts and disposal regarding the criminal case was not verified before deciding the gravity of punishment, I feel that the impugned order needs to be revised. Though the criminal proceedings and disciplinary proceedings operate at two different planes and the closure or acquittal in the criminal case can be one among the several factors to be considered for deciding the quantum of punishment.

9.In view of the above stated reasons, the order passed by the respondent in proceedings in HR/06/3058 dated 25.06.2024 is set aside and the matter is remitted back to the first respondent to re-appreciate the submissions made by the petitioner to the second show cause notice and pass an order afresh by taking into consideration of the disposal of the criminal case registered against the petitioner within a period of four weeks from the date of receipt of a



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copy of this order. The petitioner is at liberty to produce any additional materials in respect of his submission from the date of receipt a copy of this order.

10.In the result, this writ petition is allowed. No costs.
Consequently, connected miscellaneous petition is closed.

11.07.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
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To

The General Manager, (Human Resource),
Tamil Nadu Newsprint and Papers Ltd.,
Kagithapuram, Pugalur Taluk,
Karur District.



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R.N.MANJULA, J.

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