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W.P.(MD) No.7097 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.09.2024

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.(MD) No.7097 of 2017
and
W.M.P.(MD) No.5618 of 2017

M.P.K.Sundarraaj

... Petitioner

-vs-

1.The General Manager
(Administration)
Tamil Nadu Civil Supplies Corporation
Head Office, Chennai-600 010

2.The Regional Manager
Tamil Nadu Civil Supplies Corporation
Regional Office
Kanyakumari Region
Nagercoil-629 004

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus to call for the records pertaining to the impugned order Ref.Na.Ka.No.AD1/1973/2013 dated 30.01.2017, on the file of second respondent and quash the same as illegal and consequently to direct



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the respondents to re-instate the petitioner back in service with consequential benefits, within the time stipulated by this Court.

For Petitioner : Mr.G.Karthik
for M/s.T.Lajapathi Roy & Associates

For Respondents : No appearance for R1
Mr.G.Mohan Kumar for R2

ORDER

This writ petition has been filed challenging the order, dated 30.01.2017, passed by the second respondent, terminating the petitioner from service in the respondent – Civil Supplies Corporation.

2. Misappropriation charges were framed against the petitioner in the disciplinary proceedings initiated against him by the respondent – Civil Supplies Corporation. An Enquiry Officer was appointed and based on his enquiry report, the second respondent has passed the impugned order, dated 30.01.2017, dismissing the petitioner from service. Aggrieved by the same, this writ petition has been filed, on the ground of violation of principles of natural justice.



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3. The petitioner claims that the enquiry report was not served on him properly and the basis of the findings rendered by the Enquiry Officer in the form of deposition and documents were not furnished to him.

4. Admittedly, without exercising the statutory appellate remedy available to the petitioner, if aggrieved by the impugned order dated 30.01.2017, passed by the second respondent, the petitioner has filed this writ petition.

5. Learned counsel for the petitioner also submits that apart from the grounds that have been raised in this writ petition, there are several other grounds as well for the petitioner to challenge the impugned order, dated 30.01.2017, passed by the second respondent. This writ petition was filed in the month of April, 2017, whereas the impugned order was passed by the second respondent on 30.01.2017.

6. Learned Standing Counsel appearing for the second respondent – Civil Supplies Corporation has not raised any serious objection, if the



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petitioner is allowed to file the statutory appeal as against the impugned order, dated 30.01.2017, passed by the second respondent.

7. The grounds that have been raised in this writ petition as well as the other grounds, which the petitioner proposes to raise, can very well be raised in the statutory appeal to be filed by the petitioner pursuant to the directions issued by this Court in this order.

8. No prejudice will be caused to the respondents, if the petitioner is allowed to file statutory appeal as against the impugned order, dated 30.01.2017, passed by the second respondent. There is no inordinate delay on the part of the petitioner to approach this Court as against the impugned order dated 30.01.2017, passed by the second respondent.

9. For the foregoing reasons, this writ petition is disposed of by directing the petitioner to approach the first respondent by filing a statutory appeal as against the impugned order, dated 30.01.2017, passed by the second respondent, within a period of two weeks from the date of receipt of a copy of this order and the petitioner is allowed to raise all grounds, including



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the grounds that have been raised in this writ petition, in the said statutory appeal and the first respondent, on receipt of the said appeal, shall pass final orders on merits and in accordance with law, as expeditiously as possible. The first respondent shall entertain the appeal, if the same is filed by the petitioner within the stipulated time, as directed by this Court, despite the fact that the petitioner may have filed the same beyond the period of limitation as prescribed under the Tamil Nadu Civil Supplies Corporation Service Rules. No costs. Consequently, connected miscellaneous petition is closed.

19.09.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

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ABDUL QUDDHOSE, J.

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