



W.P.No.14571 of 2011

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.02.2025

CORAM :

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.14571 of 2011

M.Munisamy

... Petitioner

Vs.

1.The Managing Director,
Chennai Petroleum Corporation Ltd,
536 Anna Salai, Chennai – 600 018.

2.The Director (Operations) and
Appellate Authority,
Chennai Petroleum Corporation Ltd,
Manali, Chennai – 600 068.

3.The General Manager (Operations),
Chennai Petroleum Corporation Ltd,
536 Anna Salai,
Chennai – 600 018.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorari, to call for the records relating to the order of punishment issued by the 3rd respondent dated 18.01.1999 in proceedings 300:74:2928 to the petitioner, consequential order of rejection of appeal by the 2nd respondent dated 27.07.2010 in proceedings HRD:04:039, quash the same.



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For Petitioner : Mr.V.Babu
For Respondents : Mr.S.Shivathanu Mohan
for M/s.Ramasubramaniam and Associates

ORDER

This is the second round of litigation before this Court, Earlier, the petitioner had filed W.P.No.13320 of 2010 for the following relief:

“to direct the first respondent herein to pass orders on the appeal made by the petitioner dated 01.02.1999 against the order of punishment imposed on him dated 18.01.1999 by the second respondent herein within a reasonable time limit.”

2. In the background of the case, two charge memos which were issued to the petitioner on 09.10.1997 and 29.12.1997. These charge memos were explained/replied by the petitioner and thereafter an enquiry was held and report of the Enquiry Officer was submitted on 27.07.1988. The petitioner was imposed with the punishment of reduction in rank from Grade IV to Grade III and was placed in the pay scale of Rs.2400-90-2760-100-3260-110-3920 and thus the basic pay of the petitioner was re-fixed at Rs.2,400/- with immediate effect. The petitioner was also imposed with an adhoc recovery of Rs.16,000/- for the excess loss to the respondent company.



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3. Aggrieved by the same, the petitioner has filed an appeal before the second respondent and since an appeal was not taken up for hearing, the petitioner had filed W.P.No.13320 of 2020. However, by the time, the said case was taken up and the appeal of the petitioner had been disposed on 14.07.2010.

4. In this background, the present Writ Petition has been filed challenging the aforesaid order. It is noticed that the said order has been passed on 14.07.2010 without giving the benefit of personal hearing to the petitioner.

5. It merely records the Charge Sheet dated 09.10.1997 and 29.12.1997.

6. There are no other indications in the impugned order to indicate that the petitioner was heard before the aforesaid order was passed. Thus, there is a manifest violation of principles of natural justice.



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7. Therefore, this Writ Petition deserves to be allowed. Since the impugned order is set aside, the case is remitted back to the respondents to pass a fresh order, on merits and in accordance with law, after giving due opportunity of the petitioner being heard.

8. In the result, this Writ Petition stands allowed. No costs.

03.02.2025

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation : Yes/No
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To:

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C.SARAVANAN, J.

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