



W.P.No.25209 of 2011

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.03.2025

CORAM :

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.25209 of 2011

and

M.P.No.1 of 2011 and W.M.P.No.3628 of 2025

E.Sambasivam,
S/o.Ekambaram

... Petitioner

Vs.

1.The Chairman-cum-Appellate Authority,
Puducherry Agro Services and Industries
Corporation Limited,
Thatanchavadi, Puducherry – 9.

2.The Managing Director,
Puducherry Agro Services and Industries
Corporation Limited,
Thatanchavadi, Puducherry – 9.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned memorandum dated 12.10.2011 No.6-1-42/PASIC/ESTT/PF/Vol.4 passed by the 2nd Respondent and quash the same and consequently directing the Respondents to pay the salary with arrears as per Pay Fixation Order dated 03.02.2011.

For Petitioner : Mrs.R.Kalaiyarasi



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For Respondents : Mr.T.M.Naveen

ORDER

The Petitioner was appointed as a Depot-Salesman in the year 1987 and was thereafter promoted as a Depot Manager in the year 1995.

2. It appears that the Petitioner had indulged in certain irregularities and therefore a Charge Memo dated 17.11.2003 was issued wherein, 4 charges were framed against the Petitioner. An Inquiry Officer was also appointed, who in his Report dated 04.05.2004 found the Petitioner guilty of all the four counts.

3. Under these circumstances, a 2nd Show Cause Notice was issued to the Petitioner on 14.07.2004 which culminated into an Order of Dismissal on 25.08.2004.

4. The Petitioner filed further appeal before the 1st Respondent who confirmed the same vide order dated 17.06.2006 in Appeal No.1 of 2005.

5. Under these circumstances, the Petitioner filed W.P.No.7776 of 2007,



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challenging the aforesaid order of the 1st Respondent, dismissing the appeal on 17.06.2006 against the dismissal order dated 25.08.2004 passed by the 2nd Respondent. The said Writ Petition was however withdrawn by the Petitioner by making an endorsement on the Bundle before this Court through the counsel engaged by the Petitioner. Meanwhile, the Petitioner appears to have sent certain representations for reconsideration of the decision of the 1st Respondent dated 17.06.2006. The Petitioner had also filed a Review Petition seeking to review the order dated 17.06.2006 passed by the 1st Respondent which was acted upon pursuant to which, an order dated 18.10.2010 was passed.

6. The Office of the 2nd Respondent subsequently found that there were several irregularities and therefore orders came to be passed by the 1st Respondent on 18.10.2010 and by the 2nd Respondent on 10.11.2010, 20.11.2010, 29.12.2010 and on 03.02.2011.

7. By an order dated 18.10.2010, the order passed by the 1st Respondent was set aside and therefore the following Order was passed:-

“Therefore, the said Thiru. E. Sambasivam, who was terminated from the post of Depot Manager in PASIC earlier may be considered for the post of Depot Manager. Accordingly, the Managing Director, PASIC is hereby directed to issue necessary order for the appointment of the



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said Thiru. E. Sambasivam to the post of Depot Manager in PASIC, immediately in the post of Depot Manager in PASIC from the date of termination with retrospective benefits. All the punishments awarded to him except recovery of pay towards loss to PASIC be set aside.”

8. Subsequent to order dated 18.10.2010 of the 1st Respondent, following orders came to be passed by the 2nd Respondent on the following dates:-

Sl.No.	Date	Adjudicating Authority
1.	10.11.2010	2 nd Respondent
2.	20.11.2010	2 nd Respondent
3.	29.12.2010	2 nd Respondent
4.	03.02.2011	2 nd Respondent

9. Thereafter, on 21.06.2011, a resolution was passed by the Respondents Board whereby it was unanimously resolved by the Respondents Board to rescind all the decisions taken and the resolutions passed in the two Board meetings conducted on 30.09.2010 and 30.12.2010 pursuant to which the Impugned Order dated 12.10.2011 has been passed by the 2nd Respondent.

10. The Impugned Order has been passed by the 2nd Respondent subject to the orders of the High Court in W.P.No.7776 of 2007, filed by the Petitioner.

11. Since the said Writ Petition itself has been dismissed, the present Writ Petition has to be closed subject to the steps to be taken by the Petitioner for



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reviving the Writ Petition in W.P.No.7776 of 2007 on 29.10.2024.

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12. This Writ Petition is closed for the present and it can be revived subject to the Petitioner reviving W.P.No.7776 of 2007. No costs. Connected Miscellaneous Petitions are closed.

26.03.2025

Neutral Citation : Yes / No

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To:

- 1.The Chairman-cum-Appellate Authority,
Puducherry Agro Services and Industries
Corporation Limited,
Thatanchavadi, Puducherry – 9.
- 2.The Managing Director,
Puducherry Agro Services and Industries
Corporation Limited,
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C.SARAVANAN, J.

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