WP.No.36771 of 2024

G.K.ILANTHIRAIYAN, J.

At the instance of the learned counsel appearing for the respondents, today this matter has been posted under the caption "for being mentioned".

2. Heard, the learned counsel appearing on either side

3. On hearing the submissions of the learned counsel appearing for the respondents, it is ordered that paragraphs 3 to 8 of the order passed in WP.No.36771 of 2024 dated 21.11.2025 shall read as follows:

> *"3. The petitioner was appointed as Deputy General Manager (Technical) in the Marketing Division of the first respondent. While being so, the petitioner was served with a charge memo consisting of nine charges. After receipt of the explanation submitted by the petitioner and not being satisfied with the same, the disciplinary authority ordered a disciplinary enquiry. The Enquiry Officer appointed by the second respondent conducted a detailed enquiry and submitted an enquiry report, wherein all the nine charges were held as not proved as against the petitioner. On receipt of the said report, the second respondent without issuing any show cause notice to*

the petitioner, straight away passed an order dated 08.04.2024 directing a de novo enquiry, stating reasons. The second respondent also pointed out the same discrepancies in the enquiry report.

4. It is a settled law that when the disciplinary authority does not agree with the findings of the Enquiry Officer, the disciplinary authority ought to have issued a show cause notice to the delinquent. Only after receipt of the explanation, the disciplinary authority may either order a de novo enquiry or pass a final order in accordance with law.

5. The learned counsel appearing for the respondents submitted that National Textile Corporation Limited, (CDA Rules), 2009 contemplates de-novo enquiry under Rule 25.11. As per the said Rule, if the report of the Enquiry Officer is found not satisfactory, the Disciplinary Authority may order a de novo enquiry by the same or a different Enquiry Officer. Therefore, the second respondent has got jurisdiction to order a de novo enquiry, when discrepancies are found in the Enquiry Officer□s report.

6. The learned Senior Counsel appearing for the petitioner relied upon the Judgment of this Court in W.P.No.34395 of 2022 dated 25.04.2025 in the case of G.Chandramouli Vs. The

Chairman and Managing Director, National Textile Corporation Ltd., Core-IV, Scope Complex, 7, Lodhi Road, New Delhi-110001 and 2 others, in which this Court held that Rule 25.11 cannot be interpreted in isolation and must necessarily be read in conjunction with Rule 25.10. Accordingly, the disciplinary authority though vested with a power to remit the matter to the Enquiry Officer for fresh or further enquiry can do so only by recording in writing the reasons justifying such course.

7. In the case on hand, though the second respondent has pointed out certain discrepancies in the order, it is not satisfactory in nature and the petitioner was also not served any notice before ordering for de novo enquiry. Further, a perusal of the enquiry report dated 28.11.2024 reveals that the Enquiry Officer conducted a detailed enquiry and submitted a detailed report consisting 67 pages. However, the second respondent, without considering the same, mechanically stated the same discrepancies in the enquiry report and ordered for de novo enquiry. When the enquiry has been conducted by a competent authority and the enquiry report is satisfactory in nature, ordering a de novo enquiry is not maintainable. It would amount to double jeopardy.

8.In view of the above, the impugned order cannot be sustained and is liable to be quashed. Accordingly, the order *passed in NTC/SRO/HR/2024-10 dated 23.10.2024 and the order enclosed dated 18.10.2024 passed by the second respondent are hereby quashed. The second respondent, the disciplinary authority, is at liberty to issue a show cause notice to the petitioner, stating valid reasons for disagreeing with the Enquiry Officer's report and an opportunity shall be given to the petitioner to submit his explanation. On receipt of the explanation, the second respondent is at liberty to pass a fresh order on merits and in accordance with law."*

4. Accordingly, the Registry is directed to issue a fresh order copy in WP.No.36771 of 2024 dated 21.11.2025 after making necessary corrections.

03.03.2026

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G.K.ILANTHIRAIYAN, J.

lok

WP.No.36771 of 2024

03.03.2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 21.11.2025
CORAM:
THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN
W.P.No.36771 of 2024
and W.M.P.Nos.39689 of 2024 and 37743 of 2025

Sameer Agarwal ...Petitioner

~Vs~

1. The Chairman and Managing Director,
National Textile Corporation Ltd.,
Core-IV, Scope, Complex 7, Lodhi Road,
New Delhi-110 001.

2. The Disciplinary Authority,
NTC House 35-B, Somasundaram Mills Road,
SRO National Textiles Corporation Ltd.,
Coimbatore. ... Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to order passed NTC/SRO/HR/2024-10 dated 23.10.2024 and the order enclosed dated 18.10.2024 passed by the second respondent by ordering for de novo enquiry, and to quash the same as being arbitrary, illegal, violative of the principles of natural justice besides being violative of the provisions of the conduct, discipline and appeal rules, 2009 and consequently, direct the second respondent to accept the findings of the enquiry report passed by the enquiry officer.
(Prayer amended as per order dated 21.11.2025 made in W.M.P.No.47006 of 2025 in W.P.No.36771 of 2024)

For Petitioner : Mr.K.M.Ramesh, Senior Counsel

for Mr.Adithya Varadarajan

For Respondents : Mr.Surya Teja SS Nalla

ORDER

This writ petition has been filed challenging the order passed by the second respondent by the communication dated 23.10.2024 in NTC/SRO/HR/2024-10 and the annexing order enclosed dated 18.10.2024, thereby ordering for de-novo enquiry without accepting the enquiry report.

2.Heard the learned counsel on either side and perused the materials available on record.

3. The petitioner was appointed as Deputy General Manager (Technical) in the Marketing Division of the first respondent. While being so, the petitioner was served with a charge memo consisting of nine charges. After receipt of the explanation submitted by the petitioner and not being satisfied with the same, the disciplinary authority ordered a disciplinary enquiry. The second respondent conducted a detailed enquiry and submitted an enquiry report, wherein all the nine charges were held as not proved as against the petitioner. On receipt of the said report, the first respondent without issuing any show cause notice to the petitioner, straight away passed an order dated 08.04.2024 directing a de novo enquiry, stating reasons. The first respondent also pointed out the same discrepancies in the enquiry report.

4. It is a settled law that when the disciplinary authority does not agree with the findings of the Enquiry Officer, the disciplinary authority ought to have

issued a show cause notice to the delinquent. Only after receipt of the explanation, the disciplinary authority may either order a de novo enquiry or pass a final order in accordance with law.

5. The learned counsel appearing for the respondents submitted that National Textile Corporation Limited, (CDA Rules), 2009 contemplates de-novo enquiry under Rule 25.11. As per the said Rule, if the report of the Enquiry Officer is found not satisfactory, the Disciplinary Authority may order a de novo enquiry by the same or a different Enquiry Officer. Therefore, the first respondent has got jurisdiction to order a de novo enquiry, when discrepancies are found in the Enquiry Officer□s report.

6. The learned Senior Counsel appearing for the petitioner relied upon the Judgment of this Court in W.P.No.34395 of 2022 dated 25.04.2025 in the case of G.Chandramouli Vs. The Chairman and Managing Director, National Textile Corporation Ltd., Core-IV, Scope Complex, 7, Lodhi Road, New Delhi~110001 and 2 others, in which this Court held that Rule 25.11 cannot be interpreted in isolation and must necessarily be read in conjunction with Rule 25.10. Accordingly, the disciplinary authority though vested with a power to remit the matter to the Enquiry Officer for fresh or further enquiry can do so only by recording in writing the reasons justifying such course.

7. In the case on hand, though the first respondent has pointed out certain discrepancies in the order, it is not satisfactory in nature and the petitioner was also not served any notice before ordering for de novo enquiry. Further, a

perusal of the enquiry report dated 28.11.2024 reveals that the Enquiry Officer conducted a detailed enquiry and submitted a detailed report consisting 67 pages. However, the first respondent, without considering the same, mechanically stated the same discrepancies in the enquiry report and ordered for de novo enquiry. When the enquiry has been conducted by a competent authority and the enquiry report is satisfactory in nature, ordering a de novo enquiry is not maintainable. It would amount to double jeopardy.

8. In view of the above, the impugned order cannot be sustained and is liable to be quashed. Accordingly, the order passed in NTC/SRO/HR/2024-10 dated 23.10.2024 and the order enclosed dated 18.10.2024 passed by the second respondent are hereby quashed. The first respondent is at liberty to issue a show cause notice to the petitioner, stating valid reasons for disagreeing with the Enquiry Officer□s report and an opportunity shall be given to the petitioner to submit his explanation. On receipt of the explanation, the first respondent is at liberty to pass a fresh order on merits and in accordance with law.

9. Accordingly, this writ petition is allowed. Consequently, connected Miscellaneous petitions are closed. There shall be no order as to costs.

21.11.2025
(½)

Internet: Yes

Index : Yes/No
Speaking/Non Speaking order
mn

G.K.ILANTHIRAIYAN. J,

mn

To
1. The Chairman and Managing Director,
National Textile Corporation Ltd.,
Core-IV, Scope, Complex 7, Lodhi Road,
New Delhi-110 001.

2. The Disciplinary Authority,
NTC House 35-B, Somasundaram Mills Road,
SRO National Textiles Corporation Ltd.,
Coimbatore.

W.P.No.36771 of 2024

21.11.2025