

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).24388/2008

(From the judgement and order dated 02/09/2008 in WA No. 1801/2004
of The HIGH COURT OF MADRAS)

BD.OF DIR.T.NADU INDUS.DEV.COR.LD.& ORS. Petitioner(s)

VERSUS

N.SOMASUNDARAM Respondent(s)

(With prayer for interim relief and office report)
(For final disposal)

Date: 26/03/2010 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE R.V. RAVEENDRAN
HON'BLE MR. JUSTICE R.M. LODHA

For Petitioner(s) Mr. R. Viduthalai, Sr. Adv.
Ms. Indira G., Adv.
Mr. V. Jagdishvaran, Adv.
Ms. Mona Rajvanshi, Adv.
Mr. Anurag Kashyap, Adv.

For Respondent(s) Mr. K. Ramamoorthy, Sr. Adv.
Mr. S. Aravind, Adv.
Mr. Sriram J. Thalopathy, Adv.
Mr. V. Adhimoolam, Adv.
Ms. N. Shoba, Adv.

UPON hearing counsel the Court made the following
O R D E R

Special leave petition is dismissed in terms of
the signed order.

(Ravi P. Verma) (M.S. Negi)
Court Master Court Master

[Signed order is placed on the file]

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

SPECIAL LEAVE PETITION(C) NO. 24388 OF 2008

BOARD OF DIRECTOR, TAMIL NADUPETITIONERS
INDUSTRIAL DEVELOPMENT
CORPORATION LTD. & ORS.

Versus

N. SOMASUNDARAMRESPONDENT

O R D E R

A charge memo dated 17.6.1999 was issued to
respondent. The Enquiry Officer submitted a report dated
6.4.2000 holding that most of the charges were not proved.

The Disciplinary Authority, by order dated 29.3.2001, disagreed with the findings of the Enquiry Officer and found the respondent guilty and imposed the penalty of reduction of rank from the rank of Manager to Assistant Manager. On appeal, the Appellate Authority, after issuing a show-cause notice increased the punishment to dismissal, by order dated 23.6.2003. The respondent challenged his dismissal by filing a writ petition.

2. Learned single Judge of the High Court found that the respondent had not been given an opportunity to show cause in regard to the proposal of the Disciplinary Authority to dissent with the findings of the Enquiry Officer. Learned single Judge also found that there were material irregularities in the manner in which the enquiry was conducted. He found that no witness was examined and no document was marked and whatever documents were produced by the management were accepted as evidence. In view of the above, by judgment dated 31.3.2004, learned single Judge set aside the disciplinary proceedings initiated against2.

- 2 -

the respondent with a direction to reinstate him as Manager by passing appropriate orders within 30 days, leaving it open to the petitioner as to further course of action. The appeal filed by the petitioner has been dismissed by the Division Bench by impugned order dated 2.9.2008.

3. We find no error in the judgment of the learned single Judge. The learned counsel for the petitioner submitted that the learned single Judge had reserved liberty to the petitioner to take further action and the judgment of the Division Bench is likely to be interpreted as taking away the said liberty. On a careful reading of the judgment of the Division Bench of the High Court, we find that it has merely affirmed the order of the learned single Judge, and has not deleted the liberty reserved to the petitioner. It is clear from the order of the learned single Judge that if the petitioners propose to hold an enquiry from the stage of evidence in accordance with law, they may do so. As the Division Bench has not interfered with the liberty reserved by the learned single Judge, there is no need to modify the order.

4. Special leave petition is, therefore, dismissed.

.....J.
(R.V. RAVEENDRAN)

New Delhi;J.
March 26, 2010. (R.M. LODHA)