



W.A.No.599 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 19.03.2025

CORAM

**THE HONOURABLE MR.JUSTICE R.SURESH KUMAR
and
THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE**

**W.A.No.599 of 2023
and
C.M.P.No.5811 of 2023**

K.Palanivel,
Assistant Engineer,
Staff No.EA-0202,
Tamil Nadu State Transport Corporation,
Salem Region, Mettur Branch,
Mettur Dam,
Salem District.

... Appellant

-Vs-

1. The Chairman and Principal Secretary to Government,
Transport Corporation,
Transport Department,
Secretariat,
Chennai - 600 009.
2. The Managing Director,
Tamil Nadu State Transport Corporation (Salem) Ltd.,
No.12 Ramakrishna Road,
Salem - 636 007.
3. The General Manager,
Salem Region,
Tamil Nadu State Transport Corporation (Salem) Ltd.,
No.12, Ramakrishna Road,
Salem - 636 007.
4. The Superintendent (Personnel),



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Personnel Section, Head Office,
Tamil Nadu State Transport Corporation (Salem) Ltd.,
Salem - 636 007.

5. R.Ponmudi,
Managing Director,
Tamil Nadu State Transport Corporation (Salem) Ltd.,
No.12, Ramakrishna Road,
Salem - 636 007.

6. D.Laxman,
General Manager,
Salem Region,
Tamil Nadu State Transport Corporation (Salem) Ltd.,
No.12, Ramakrishna Road,
Salem - 636 007.

... Respondents

PRAYER : Appeal under Clause XV of Letters Patent, against the order dated 23.12.2022 made in W.P.No.34562 of 2022.

For Appellant : Mr.V.Elangovan

For Respondent : Mr.R.Kumaravel
Additional Government Pleader for R1
Mr.K.Raja
Standing Counsel for R2 to R4
No appearance for R5 & R6

J U D G M E N T

(Judgment of the Court was delivered by **R.SURESH KUMAR, J.**)

This intra Court appeal has been directed against the order dated 23.12.2022 made in W.P.No.34562 of 2022.

2. The appellant was the writ petitioner and he had been absent for duty



due to medical reasons. Therefore, as per the earlier proceedings, especially by order dated 17.10.2022 passed by the writ Court in W.P.No.25153 of 2022, the appellant / petitioner appeared before the Medical Board. Thereafter, the Medical Board certification issued in this regard had been produced before the respondents and he joined service after the medical leave and was working.

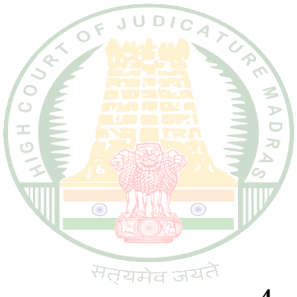
3. When that being so, on 29.11.2002, a show cause notice had been issued stating the following:

"1. मरुतुवकुमुकुविन मुन ऑजराकि मरुतुव पारीशोतने मेर्कोण्डतिल 21.09.2022 to 04.10.2022 वरै 14 नाडकुक्कुम् मर्णुम् 05.10.2022 मुतल् 30.10.2022 वरैयिलान 26 नाडकुक्कुम् मरुतुव अरिक्कैयिल् एव्वित कुறிप्पुम् तेरिविक्कामल् இருந்தது.

2. நீர் அலட்சியமான வகையில் செயல்பட்டது.

3. கழகத்திற்கு வீண் சிரமமும் ஏற்படக்காரணமானது.

மேற்படி உமது செயல் கழக பொதுப்பணி விதியின் நன்னடத்தை விதி எண்.28 "ஐ"-ன்படி ஒழுங்கீனமானதாகும். எனவே மேற்கண்ட பொருள் தொடர்பாக உமது எழுத்து மூலமான விளக்கத்தை இக்குறிப்பாணை கிடைக்கப்பெற்ற 4 தினங்களில் அலுவலகத்தில் சமர்ப்பிக்கவேண்டும். தவறினால் விளக்கம் தர ஏதுமில்லை எனக்கருதி மேல்



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நடவடிக்கை எடுக்கப்படும்."

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4. The sum and substance of the show cause notice dated 29.11.2022 is that, in the medical certification which was produced by the appellant / petitioner, there has been no mentioning about 14 days between 21.09.2022 and 04.10.2012 and further 26 days between 05.10.2022 and 30.10.2022. This omission in the medical certificate caused some inconvenience to the Management, therefore, the appellant / petitioner has been directed to show cause, as to why, such a lapse has been occurred in the medical certification, failing which, further action would be taken against him.

5. Though the show cause notice dated 29.11.2022 was issued seeking such an explanation from the appellant / petitioner, instead of giving such explanation, the appellant / petitioner had approached the writ Court directly by filing the writ petition in W.P.No.34562 of 2022.

6. The writ Court having considered the nature of the impugned order before the writ Court being a show cause notice had given a direction to the writ petitioner to submit a reply to the impugned show cause notice dated 29.11.2022 stating all his objections within a period of 15 days from the date of receipt of a copy of that order and on receipt of the said reply, the respondents



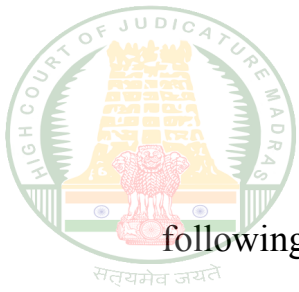
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were directed to consider the same on merits and in accordance with law and

decide as to whether any charge memo will have to be issued to the appellant /
petitioner or not.

7. The date of the impugned order has been mentioned as 15.11.2022, but the actual date of impugned order before the writ Court is 29.11.2022.

8. Aggrieved over the said order only, the present appeal has been directed. We, after having gone through the order impugned passed by the writ Court and after hearing the learned counsel appearing for the appellant as well as the learned counsel appearing for the respondents, are of the view that, the order impugned before the writ Court dated 29.11.2022 is only a show cause notice and the reasons stated therein have to be explained by the appellant / petitioner, as to why, the two periods, first for 14 days and secondly for 26 days have been omitted to be mentioned in the medical certificate issued in this regard, therefore such an innocuous show cause notice since has been issued it need not be questioned before this Court which in fact has been pointed out by the learned Judge through the order impugned. Therefore, we do not find any error in the approach of the learned Judge and the conclusion reached by him through the impugned order, hence this writ appeal is disposed of with the



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following observations:

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(i) that it is open to the appellant / petitioner to give proper reply to the show cause notice dated 29.11.2022 within a period of two weeks from the date of receipt of a copy of this judgment. On receipt of such reply, the respondents shall consider the same objectively and to decide the same on merits and in accordance with law within a period of one month thereafter.

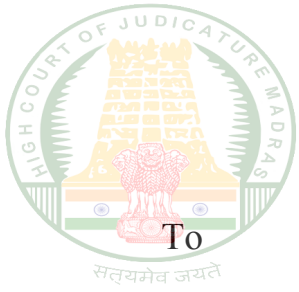
(ii) It is made further clear that, in case, the respondents are not satisfied with the reply to be filed by the appellant / petitioner and further proceeded to initiate any disciplinary action against the appellant / petitioner and in that regard, any charge memo is issued, it is further open to the appellant / petitioner to face the same in the manner known to law.

9. With these observations and directions, this Writ Appeal is disposed of.

However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

(R.S.K., J.) (A.D.M.C., J.)
19.03.2025
(1/2)

NCC : Yes / No
Index : Yes / No
Speaking Order : Yes / No
vji



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To

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