

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28/7/2015

C O R A M

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI
and
THE HON'BLE MR. JUSTICE M. VENUGOPAL

W.A. No.1007 of 2015
and
M.P. No.1 of 2015

The Managing Director
Tamil Nadu State Transport Corporation
(Salem) Ltd
Salem. Appellant

Vs

1. S. Jothimani
2. The Secretary to Government
Transport Department
Fort St. George
Chennai. Respondents

Writ Appeal filed under Clause 15 of the Letters Patent against the order passed in M.P.No.1 of 2015 in W.P.No.8419 of 2015 dated 25/6/2015.

Writ Petitions under Article 226 of the Constitution of India praying that in these circumstances stated therein and in the respective affidavits filed therewith the High Court will be pleased (i) to issue a writ of certiorarified mandamus, calling for the records of the impugned notice issued by the 2nd respondent pertaining in Ku.No.222-2222-D2 TNSTC-2015 dated 18/02/2015 and quash the same and consequently direct the 2nd respondent to drop the charges framed against the petitioner and grant such other further relief (in WP.8419/2015);

(ii) stay the enquiry before the enquiry officer under show cause notice dated 18/02/2015 in Ku.No.222-2222-D2 TNSTC-2015 (since no charge memo has been issued) (in MP.1/2015) pending WP.8419/2015. respectively.

For appellant : Mr.P.Paramasiva Doss

For respondents :Mr.N. Sakthivel,
Government Advocate
for R.2.

J U D G M E N T

(Judgment of the Court was made by SATISH K. AGNIHOTRI,J.,)

The appellant is an employer/second respondent in W.P.No.8419 of 2015, filed by the employee, questioning the proceedings of the second respondent dated 18th February, 2015, seeking to quash the charges, has filed the writ petition.

2. The learned Single Judge, while admitting the writ petition, granted interim order. Subsequently, the same was extended further. The appellant/employer is before us, questioning the interim order on the ground that the admission of writ petition and granting of interim stay by the learned Single Judge, even when the charge memo is pending consideration, is at a very premature stage.

3. At this stage, when the order sought to be impugned is interim in nature and the appellant has full opportunity to seek vacating of the interim order, we are not inclined to interfere with the impugned order. However, we make it clear that, if an application for expeditious hearing is made, the same be considered and the main matter itself may be heard at an early date for final hearing.

4. Accordingly, this writ appeal is disposed of. No costs. Connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

mvs

To

1. The Secretary to Government
Transport Department
Fort St. George
Chennai.

2.The Managing Director
Tamil Nadu State Transport Corporation
(Salem) Ltd
Salem.

1 cc to Mr.R.PARAMASIVADASS, Sr. 10907
1 cc to Government Pleader, sr. 38613

W.A. No.1007 of 2015

TEJ (CO)
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