

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.02.2015

CORAM

THE HON'BLE MR. JUSTICE K.K.SASIDHARAN

W.P.No.21154 of 2014

and

M.P.No.1 of 2014

R.Narayanan

...Petitioner

Vs.

1. The Joint Managing Director,
Metropolitan Transport Corporation
(Chennai) Ltd., Pallavan House,
Chennai - 2.

2. The Branch Manager,
Metropolitan Transport Corporation
(Chennai) Ltd.,
Ambattur Depot, Chennai - 58.

3. V.R.Sampoornam,
Enquiry Officer,
Department of Inquiry,
Metropolitan Transport Corporation
(Chennai) Ltd.,
Pallavan House, Chennai - 2.

...Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of certiorarified mandamus to call for the records relating to the order in Koppu No.7641/2013 dated 15.07.2014 of the third respondent, quash the same as violative of principles of natural justice and consequently direct the respondents 1 and 2 to conduct de novo enquiry in the disciplinary proceedings initiated against the petitioner in strict adherence to the principles of natural justice.

For Petitioner : Mr.C.Kanagaraj
For Respondents : Mr.P.Paramasivadosh
for R1 & R2

ORDER

The petitioner challenges the enquiry report on the ground that he has not been given notice for participation in the enquiry. According to the petitioner, enquiry was conducted behind his back and as such the very proceeding is liable to be quashed on the ground of violation of principles of natural justice.

2. When the writ petition was taken up for consideration, the learned standing counsel for the Transport Corporation, on instructions from Mr.J.Gopalakrishnan, Branch Manager, Ambattur Depot, Metropolitan Transport Corporation, Chennai, who is present in Court, submitted that the respondents have withdrawn the impugned enquiry proceedings and they would be conducting a fresh enquiry on the basis of the very same charge memo. The learned standing counsel further submitted that the petitioner would be permitted to rejoin duty.

3. Mr.J.Gopalakrishnan, Branch Manager, Ambattur Depot, Metropolitan Transport Corporation, Chennai has made an endorsement indicating that the impugned proceedings is withdrawn and the petitioner would be permitted to join duty forthwith.

4. In view of the endorsement made by Mr.J.Gopalakrishnan, Branch Manager, Ambattur Depot, Metropolitan Transport Corporation, Chennai and taking into account the submission made on behalf of the respondents, the impugned proceedings is quashed with liberty to the respondents to proceed from the stage of issuance of charge memo. It is needless to point out that appropriate orders should be issued by 23.02.2015 to permit the petitioner to join duty. The order permitting the petitioner to join duty should be served either in person or it should be sent by speed post with acknowledgment due.

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5.The writ petition is disposed of with the above direction. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

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To

1. The Joint Managing Director,
Metropolitan Transport Corporation
(Chennai) Ltd., Pallavan House,
Chennai - 2.

2. The Branch Manager,
Metropolitan Transport Corporation
(Chennai) Ltd.,
Ambattur Depot, Chennai - 58.

1 CC to Mr.C.Kanagaraj, Advocate SR.No. 8603

1 CC to Mr.P.Paramasivadoss, Advocate SR.No. 8319

W.P.No.21154 of 2014

KGK (CO)
PSI (24.02.2015)

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