

In the High Court of Judicature at Madras

Dated : 28.10.2015

Coram:

The Hon'ble Mr.Justice M.Jaichandren

Writ Petition No.16398 of 2012

T.K.Venkataraman

.. Petitioner

vs.

The General Manager,  
Metropolitan Transport Corporation  
Ltd. [Chennai],  
Chennai.

.. Respondent

Prayer: Petition is filed under Article 226 of the Constitution of India praying to issue a writ of certiorari, to call for the records in pursuant to the Impugned Charge Memo issued by the respondent in Memo No.29568/ Sa.P (O Na) 5/MTC/ 2012 dated 31.5.2012 issued by the respondent and quash the same.

For petitioner : Mr.S.M.Subramaniam

For respondent : Mr.Kannankumar

O R D E R

Heard the learned counsels appearing on behalf of the parties concerned.

2. The petitioner seeks to quash the impugned charge memo, dated 31.5.2012, issued by the respondent-Corporation.

3. According to the petitioner, he was working as a Deputy Manager [Legal] and he had retired from service, on 31.7.2009, on attaining the age of superannuation. He has been receiving his terminal and pensionary benefits. While so, the impugned charge memo, dated 31.5.2012, had been issued by the respondent, on the ground that the petitioner, while in service, had failed to take disciplinary action, on a driver, as a result of which this Court had directed reinstatement of the said driver, finding certain procedural lapses in the enquiry conducted against him.

4. The learned counsel appearing on behalf of the petitioner had further submitted that the petitioner was holding the post of the Assistant Manager [Legal], during the relevant period and he was not the disciplinary authority. Further, after having permitted the petitioner to retire from service, on 31.7.2009, no charge memo can

be issued against him, for an incident said to have taken place during the years 1999 and 2000. He had further submitted that there is no 'master-servant relationship' existing between the petitioner and the respondent-Corporation, after the retirement of the petitioner. Hence, the impugned charge memo, dated 31.5.2012, is liable to be set aside.

5. No counter affidavit has been filed on behalf of the respondent, till date. Further, the learned counsel appearing on behalf of the respondent had not been in a position to show as to how the impugned charge memo could be issued against the petitioner, after having allowed him to retire, on 31.7.2009, on attaining the age of superannuation. Since, no 'master-servant relationship' could exist after the retirement of the petitioner, the respondent-Corporation would not have any power or authority to issue the charge memo against the petitioner, to hold an enquiry, with regard to certain allegations made against him, relating to the incident said to have taken place, during the years 1999 and 2000. In such circumstances, this Court finds it appropriate to hold that the impugned charge memo, dated 31.5.2012, issued by the respondent, cannot be sustained.

6. Accordingly, the Writ Petition stands allowed. The impugned charge memo, dated 31.5.2012, issued by the respondent, is set aside. No costs. M.P.Nos.1 and 2 of 2012 are closed.  
gs.

Sd/-  
Assistant Registrar (CO)

/True Copy/

Sub-Assistant Registrar

To

The General Manager,  
Metropolitan Transport Corporation  
Ltd. [Chennai], Chennai.

+1 C.C. To MR.S.M.Subramaniam, Advocate in SR.NO.58326

W.P.No.16398 of 2012

VGI (CO)  
sd : 19/11/2015