

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.06.2016

CORAM

THE HONOURABLE MR.JUSTICE B.RAJENDRAN

W.P.No.18854 of 2016

D.Annadurai

... Petitioner

Vs

1. The Additional Chief Secretary to
Government, Transport (D) Department
Government of Tamil Nadu
Secretariat, Chennai 600 009.
2. The Managing Director
Tamil Nadu State Transport Corporation
(Kumbakonam) Ltd.,
Railway Station New Road
Kumbakonam 612 001.
3. The Managing Director
Tamil Nadu State Transport Corporation
(Salem) Ltd.,
Ramakrishna Road, Salem 636 007.
4. The Managing Director
Metropolitan Transport Corporation (Chennai) Ltd.,
Pallavan Salai
Chennai 600 002.

... Respondents

Prayer: Writ petition is filed under Article 226 of Constitution of India, seeking a writ of certiorari to call for the records comprised in TNSTC/Kumba/Legal-Corp/80/2015 dated 25.11.2015 on the file of the second respondent and the consequential order in Letter (Ms)No.145 dated 30.11.2015 on the file of the first respondent and order of suspension as made in TNSTC/Kumba/Legal-Corp/80/2015 dated 30.11.2015 on the file of the second respondent and to quash the same.

For Petitioner : Mr.R.Karthikeyan

For Respondents : Mr.Paramasivadoss
Standing Counsel

O R D E R

<https://hcservices.ecourts.gov.in/hcservices/> Mr. Paramasivadoss, learned Standing Counsel for the Transport Corporation, takes notice on behalf of the respondents.

2. The prayer in the writ petition is for the issuance of a writ of certiorari to call for the records comprised in TNSTC/Kumba/Legal-Corp/80/2015 dated 25.11.2015 on the file of the second respondent and the consequential order in Letter (Ms) No.145 dated 30.11.2015 on the file of the first respondent and order of suspension as made in TNSTC/Kumba/Legal-Corp/80/2015 dated 30.11.2015 on the file of the second respondent and to quash the same.

3. The case of the petitioner is that while he was working as a General Manager in the Tamil Nadu State Transport Corporation, Kanyakumari, he lent a hand loan of Rs.6 lakhs to one Kolappan and since the same was not returned by the said person, he preferred a police complaint. The said Kolappan being aggrieved by the complaint given by the petitioner preferred a complaint to the third respondent stating that the petitioner has bribed the said amount for getting the post of P.A.to Transport Minister and based on which, the petitioner was issued with a show cause notice. In the meantime, one other person, viz., V.Krishnan, who is in no way connected with the case has preferred a complaint as against the petitioner to the Directorate of Vigilance and Anti-Corruption. Based on the same, the second respondent without issuing any show cause notice or whatsoever, sought for a report from the petitioner. While that being so, all of a sudden, and that too, when the petitioner was due to attain the age of superannuation on 30.11.2015, he was issued with a charge memo on 25.11.2015 and since the disciplinary proceedings were pending, he was not allowed to retire and as per the letter issued by the first respondent dated 30.11.2015, the second respondent placed the petitioner under suspension and that he was not allowed to retire on 30.11.2015. Further he was transferred and posted as Senior Deputy Manager TNSTC (Kum) Ltd., Kumbakonam with effect from 30.11.2015 A.N. Hence, the present writ petition seeking to quash the suspension order.

4. Learned counsel for the petitioner would submit that for no fault of the petitioner, he was placed under suspension and that he was not allowed to retire on attaining the age of superannuation. He would further submit that in this regard, he has also submitted a representation dated 23.02.2016 seeking to revoke the suspension order. However, till date no action was taken by the respondents either to appoint an Enquiry Officer or to consider his representation.

5. The learned Standing Counsel appearing for the respondent Corporation, on instructions, submitted that Enquiry Officer has been appointed to conduct the enquiry based on the disciplinary proceedings initiated against the petitioner and that the enquiry proceedings have also commenced.

<https://hcservices.ecourts.gov.in/hcservices/>

6. In view of the said submission made by the learned Standing Counsel for the respondent-Transport Corporation, the

learned counsel for the petitioner would submit that in view of the subsequent development, though the petitioner has sought for a larger relief to revoke his suspension order, he would be satisfied, if the respondents are directed to consider his representation dated 23.02.2016 and pass appropriate orders on merits and in accordance with law.

7. Considering the submissions made on either side and in view of the subsequent development that enquiry proceedings have been commenced and also taking into account the fact that the petitioner has already attained the age of superannuation, the second respondent, who is the competent authority, is directed to consider the representation submitted by the petitioner dated 23.02.2016 for revocation of his suspension and pass appropriate orders on merits and in accordance with law as expeditiously as possible and after affording sufficient opportunity to the petitioner to submit his explanation, if any, in the matter. It is also made clear that this Court has not expressed any opinion with regard to the merits of the claim made by the petitioner and the second respondent shall pass orders, independently, depending on the facts and circumstances of the case. Further, the petitioner is also directed to co-operate with the enquiry proceedings and shall not seek any adjournment.

8. With the above observation, this writ petition is disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(J)

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Sub Assistant Registrar

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To

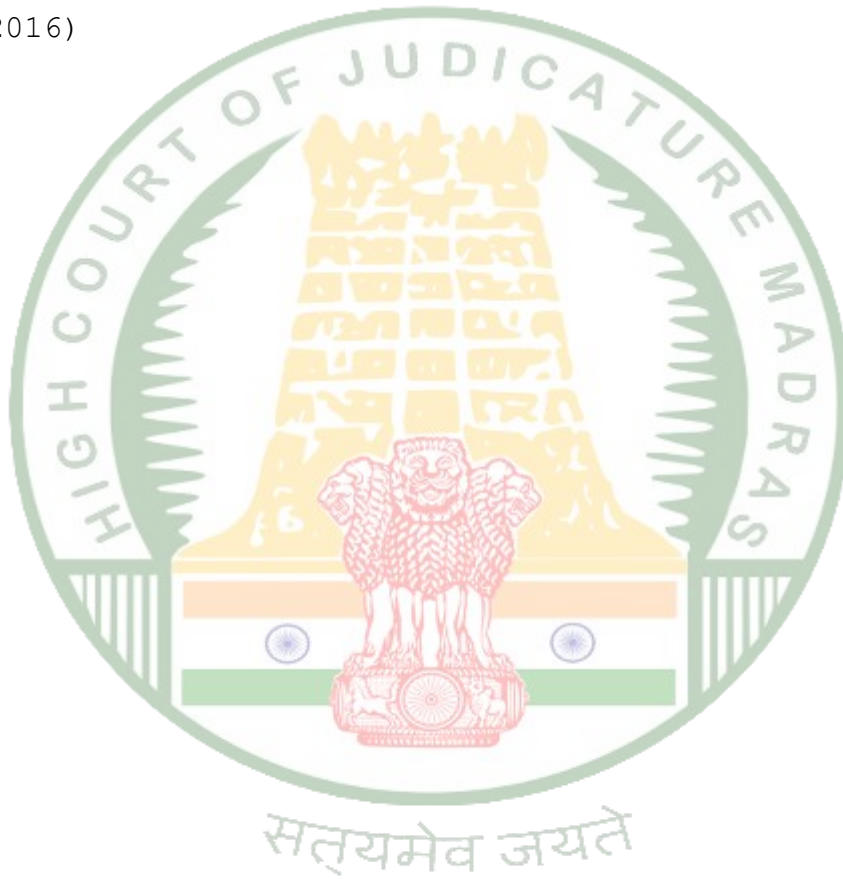
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+lcc to Mr.R.Karthikeyan, Advocate, S.R.No.29782

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NRJK (CO)
CA(17/06/2016)



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