

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 05.12.2016
CORAM:
THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN
W.P.No.42642/2016 & WMP.No.36558 & 36559/2016

Mr.A.L.Lavakumar

..

Petitioner

Vs.

1.The General Manager

Tamil Nadu State Transport
Corporation, [Coimbatore] Ltd.,
No.37, Mettupalayam Road
Coimbatore 641043.

2.The Assistant Manager

[Law-2], Tamil Nadu State
Transport Corporation,
[Coimbatore] Limited,
No.37, Mettupalayam Road
Coimbatore 641 043.

3.The Branch Manager

Mettupalayam-I Branch,
Tamil Nadu State Transport Corporation,
[Coimbatore] Limited,
No.37, Mettupalayam Road
Coimbatore District.

..

Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of certiorari calling for the entire records relating to the impugned Charge Memo dated 14.11.2016 in proceedings No.1/G8[o]/6026/Tha.A.Poka/16 issued by the 2nd respondent and quash the same.

For Petitioner : M/s.L.Mouli
For R1 to R3 : Mr.P.Kannan Kumar

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ORDER

By consent, the writ petition is taken up for final disposal.

2 The petitioner is employed as Tradesman in the services of the 3rd respondent and when he was working in the night shift on 04.06.2016, he developed pain on account of

"gastric trouble" and could not attend duty and it was brought to the knowledge of the 3rd respondent on the very same day and the same has also been entered in the Register in page No.246 kept for the said purpose. The petitioner had also applied for leave along with the Medical Certificate on 05.06.2016 to the 3rd respondent by Registered Post and it was also received and acknowledged on 07.06.2016. The petitioner further stated that on account of his alleged absence on 04.06.2016, his one day salary of Rs.1182/- was unlawfully deducted, despite the fact that he is having Casual Leave of 12 days ; Earned Leave of 32.5 days and Medical Leave of 32.5 days and the act of the respondents in deliberately marking the petitioner as absent on 04.06.2016 and deduction of one day salary, purely amounts to victimisation and unfair malpractice. The petitioner, in this regard, had sent a legal notice dated 22.09.2016 to the respondents seeking refund of the deduction of one day salary/wage and also compensation of Rs.10,000/-, towards mental agony and in response to the same, the 2nd respondent has issued charge memo on 14.11.2016, making some wild allegations and challenging the same, the petitioner has come up with the present writ petition.

3 The learned counsel for the petitioner, on instructions would submit that though the petitioner prayed for a larger relief of quashment of the charge memo, subsequent to the receipt of the charge memo, the petitioner submitted a representation dated 16.11.2016, requesting them to furnish a copy of DMR Record, pertaining to the month of October in respect of some of the vehicles and it would be suffice to direct the respondents 2 and 3 to consider the said representation within the stipulated time.

4 This Court heard the submissions of Mr.P.Kannan Kumar, learned counsel who accepts notice on behalf of the respondents and perused the materials placed before it.

5 In the light of the limited scope of prayer sought for by the petitioner, this Court permits the petitioner to submit one more representation to the respondents 2 and 3 with regard to the said request, along with a copy of this order as well as the copy of his earlier representation dated 16.11.2016 within a period of two weeks from the date of receipt of a copy of this order and upon receipt of the same, the respondents 2 and 3 are directed to consider the same in accordance with law and pass appropriate orders within a further period of four weeks thereafter and communicate the decision taken, to the petitioner.

6 The writ petition stands disposed of with the above direction. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Asst.Registrar

/true copy/

Sub Asst. Registrar

AP

To

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No.37, Mettupalayam Road
Coimbatore District.

+2 ccs to M/s.L.Mouli Advocate sr 71846 & 72573

WP.No.42642/2016

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