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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.10.2016

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THE HON'BLE Dr.JUSTICE S.VIMALA

W.P(MD) No.18830 of 2016

AND

WMP(MD) No.13613 & 13614 of 2016

M.Devaraj

... Petitioner

-vs-

- 1.The Managing Director,
Tamil Nadu State Transport Corporation
(Madurai) Ltd.,
Bye Pass Road, Madurai.
 - 2.The General Manager,
Tamil Nadu State Transport Corporation
(Madurai) Ltd., Madurai Division,
Bye Pass Road, Madurai.
 - 3.The Assistant Manager,
Tamil Nadu State Transport Corporation
(Madurai) Ltd.,
Legal Department,
Bye Pass Road, Madurai.
 - 4.The Branch Manager,
Tamil Nadu State Transport Corporation
(Madurai) Ltd., Ponmeni Branch,
Madurai.
- ... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified mandamus call for the records pertaining to the malafide proceedings in Parvai ONATHU/D1/Pon/CR/4043 against the petitioner passed by the 2nd respondent dated 21.09.2016 and quash the same as illegal and arbitrary and consequently direct the respondents to provide the duty to the petitioner along with back wages within the stipulated time period.

For Petitioner : Mr.A.MU.Sharavanan

<https://hcservices.courts.gov.in/hcservice/> For Respondents : Mr.A.P.Muthupandian

**O R D E R**

This writ petition has been filed to quash the impugned proceedings issued by the second respondent dated 21.09.2016 and consequently direct the respondents to provide duty to the petitioner along with back wages.

2. Heard the learned counsel appearing for the petitioner and the learned counsel for the respondents, who takes notice for the respondents. By consent the writ petition itself is taken up for final disposal at the admission stage.

3. The petitioner was initially appointed as a Conductor in the respondents corporation and subsequently his service was regularized on 22.07.2013. He was suspended from service by the impugned order dated 21.09.2016. Challenging the same, the present Writ Petition has been filed.

4. A perusal of the impugned order dated 21.09.2016 would go to show that the petitioner has been suspended from service on the allegation that he did not issue tickets for 30 passengers and thereby misappropriated a sum of Rs.300/-.

5. In the same proceedings it has been mentioned that charge sheet will be issued later.

6. Therefore, whatever is the objections of the petitioner, when show cause notice or charge memo is issued, he will have an opportunity of presenting/representing his case before the concerned authorities. The second respondent, being a statutory authority, has exercised his power as provided under the statute, based on the allegations levelled against the petitioner. Therefore, this Court cannot interfere with the order passed by the second respondent.

7. Accordingly, this writ petition is dismissed. However, the respondents are directed to expedite and finish of the enquiry within a period of three months from the date of receipt of a copy of this order. No costs. Consequently, connected WMP(MD) Nos.13613 and 13614 of 2016 are closed.

Sd/-

Assistant Registrar(CSI)

/True Copy/

Sub Assistant Registrar

mj

+1cc to Mr.A.MU.Sharavanan,
JAM/17.11.16/PV/2p-2c

Advocate Sr.No. 58009



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