



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.12.2016

CORAM

WEB COPY

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

W.P.(MD) No.24853 of 2016

and

W.M.P(MD)No.17965 of 2016

K.Perumalsamy

.. Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Transport Corporation
(Madurai) Limited,
Bye-pass Road,
Madurai.

2.The General Manager,
Tamil Nadu State Transport Corporation
(Madurai) Limited,
Dindigul Region,
Dindigul.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a writ of Certiorarified Mandamus calling for the records of the impugned order passed by the second respondent in Ref.No.Sathu A1:1484, dated 10.12.2008 and to quash the same as illegal and consequently to direct the respondents to restore the increment for one year and cancel the temporary suspension of 15 days from 17.4.2008 to 1.5.2008.

For Petitioner : M/s.N.Madhava Govindan

For Respondents : Mr.A.P.Muthupandian
Standing Counsel.

O R D E R

This writ petition has been filed, seeking for issuance of a writ of Certiorarified Mandamus calling for the records of the impugned order passed by the second respondent in Ref.No.Sathu A1:1484, dated 10.12.2008 and to quash the same as illegal and consequently to direct the respondents to restore the increment for one year and cancel the temporary suspension of 15 days from 17.4.2008 to 1.5.2008.



2. Heard the learned counsel on either side.

3. The Petitioner is said to have been caused accident for which he was placed under suspension from 16.4.2008. Dehors the criminal proceedings, for the accident said to have been committed, charge-memo was issued on 23.4.2008 and after a detailed enquiry, punishments were imposed, against which the Petitioner was unsuccessful in the appeal and the said order is the subject-matter of the present Writ Petition.

4. The Petitioner submitted that he has been acquitted in the criminal case on 25.2.2016. Hence the punishment order, dated 10.12.2008 has to be interfered with and need to be interfered with. This Court is not inclined to accept the contention of the Petitioner on three grounds.

5. Firstly, pendency of the criminal case is not bar for proceeding with the departmental proceedings. Rightly, the departmental action was proceeded with and punishment has been given. The said punishment was based on preponderance of probabilities and the criminal Court dealing with the issue is to find out that whether the charges levelled against the Petitioner are established beyond reasonable doubt. Secondly, the Petitioner was imposed with punishment on 10.12.2008 and he cannot be permitted to wake up from the slumber and state that the order has been passed without a detailed enquiry and finally, the Petitioner is a workman under the Industrial Disputes Act. If at all, he has any grievance, he should challenge the same by raising industrial dispute through union, which he has not done till date. On all these three grounds, this Court is not inclined to interfere with the order impugned in the present Writ Petition and accordingly, the Writ Petition fails.

6. For the above reasonings, the Writ Petition stands dismissed. Consequently, connected Miscellaneous Petition is dismissed. No costs.

Sd/-

Assistant Registrar(Writ)

/True Copy/

Sub Assistant Registrar

vsn

To

1. The Managing Director,
Tamil Nadu State Transport Corporation
(Madurai) Limited,
Bye-pass Road,
Madurai.



2.The General Manager,
Tamil Nadu State Transport Corporation
(Madurai) Limited,
Dindigul Region,
Dindigul.

+1cc to Mr.N.Madhava Govindan, Advocate Sr.No. 83108

JAM/02.02.17/RR-BS/ 3p-4c

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