

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :01.09.2017

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THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM
W.P. No.20708 of 2015

1.S.Geethapathy

2.M/s.Engineers Association

Rep.by its President Mr.S.Geethapathy,
No.4/283, Maduravayil CMDA,
Chennai-95.

.. Petitioners

Vs

1.The Additional Chief Secretary & Chairman of STU,
Transport Department, Secretariat,
Fort St.George, Chennai-9.

2.The Managing Director,
Pallavan House,
Metropolitan Transport Corporation,
Pallavan Salai, Chennai-2.

3.The General Manager (Technical and Corporate),
Pallavan House,
Metropolitan Transport Corporation,
Pallavn Salai, Chennai-2.

4.The Senior Deputy Manager (HRD),
Pallavan House,
Metropolitan Transport Corporation,
Pallavan Salai, Chennai-2.

5.The Deputy Manager (PRD),
Patlass Road depot,
Metropolitan Transport Corporation,
Chennai-2.

6.The Deputy Manager (RWS),
Thandaiyarpet Regional Workshop,
Seniamman Koil Street,
Metropolitan Transport Corporation,
Chennai-81.

PRAYER : Petition filed Under Article 226 of the Constitution of India to issue of Writ of Mandamus directing the respondents not to issue charges and collect the cost of the spare parts used in the repaired vehicles which is not authorized by Law/Statutes/Rule without conducting proper enquiry and proving the delinquency.

For Petitioner : No appearance

For Respondents: Mr.R.S.Selvam,
Government Advocate for R1

Mr.P.Paramasivadosh for R2 to R6

O R D E R

The relief sought for in this writ petition is for a direction directing the respondents not to issue charge Memos and collect the cost of the spare parts used in the repaired vehicle which is not authorized by Law/Statutes/Rule without conducting proper enquiry and proving the delinquency and pass such other orders.

2. The 1st writ petitioner is the President of the 2nd writ petitioner's Association, the 2nd writ petitioner is an Engineers Association represented by the President. The affidavit filed in support of the writ petition would disclose that the 1st petitioner was promoted to the post of Tradesman and some other persons were appointed to the respective posts directly in contravention to the rules. Subsequently, the 1st petitioner was promoted to the post of Junior Engineer in the year 2006 and continued as Engineer in Metropolitan Transport Corporation, Chennai. The affidavit further proceeds by stating that the respondent/Metropolitan Transport Corporation has issued charge memo to the Technical staffs including the 1st petitioner stating that the Technical staffs are responsible for the spare parts changed in the repaired vehicles. Thus, the members of the petitioner's Association are very much affected due to the mismanagement of the Corporation. The petitioners have pointed out various problems faced by the members of the Association to the respondent/Corporation time and again and they have not been provided with any solution for the grievances addressed in this regard. In this regard, many proceedings on charge memo were narrated in the affidavit filed in support of this writ petition. However, this Court cannot consider all the points raised in this writ petition, in view of the fact that the relief sought for in this writ petition is general and

untenable in nature. This Court cannot issue any such direction directing the respondents not to issue charge memos or to collect the cost of the spare parts. If any specific allegation or orders are challenged, then, this Court will be in a position to consider the case on the merits and the demerits of the matter.

3. The employees working in the Corporation are bound by the rules in force and the conditions of service. The employer/Management is entitled to initiate actions in the event of identifying any irregularity / illegality / misconduct or any other offences. The right of the employer to initiate appropriate disciplinary proceedings or other proceedings under the rule cannot be stopped. Every employer is at liberty to initiate proper proceedings against the employees under the service condition and the rules framed in this regard. The Constitutional Court cannot give any such general direction to the Management stating that no charge memo can be issued to the employees. Initiation of action under the rules is the prerogative power of the Management, in the event of identifying any misconduct or allegations. Thus, the prayer as such sought for cannot be considered and deserves to be rejected at the outset. It is left open to the writ petitioner to submit their representation to the Management in this regard for redressing their grievances. If the same is not considered by the Management, then they can approach the higher authorities in this regard. However, no writ can be entertained in respect of the prayer sought for in this writ petition. In this view of the matter, no further adjudication on merits needs to be considered in this writ petition.

4. Accordingly, the writ petition stands dismissed. No Costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
सत्यमेव जयते

Assistant Registrar(CS II)

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Sub Assistant Registrar

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To

- 1.The Additional Chief Secretary & Chairman of STU,
Transport Department, Secretariat,
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Seniamman Koil Street,
Metropolitan Transport Corporation,
Chennai-81.

+1cc to Mr.P.Paramasiva Doss, Advocate sr.63775

+1cc to Government Pleader sr.63681

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ss (6/10/2017)