

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.10.2017

CORAM

THE HONOURABLE MR. **JUSTICE T. RAJA**

**W.P.Nos.26769 of 2017 and
WMP.Nos.28507 and 28508/2017**

P.Ramesh

.. Petitioner

Vs.

The Branch Manager,
Kallakurichi Branch,
Tamil Nadu State Transport Corporation
Villupuram Limited,
Villupuram District.

.. Respondent

Writ Petition filed under Article 226 constitution of India for issuance of a Writ of declaration, declaring the act of the respondent in 294/E/KKT/TNSTC/17 dated 19.09.2017 directing the petitioner to pay Rs.46,764/- towards lost ticket book value as illegal and consequently, direct the respondent to pay the salary for the period from 19.09.2017 till the duty is provided to the petitioner, within a time frame fixed by this Court.

For Petitioner : Mr.Y.George Williams

For Respondent : Mr.P.Paramasivadosh

ORDER

The Writ Petition is filed seeking to issue a Writ of Declaration, declaring the act of the respondent in 294/E/KKT/TNSTC/17 dated 19.09.2017, directing the petitioner to pay Rs.46,764/- towards the value of the lost ticket book as illegal and consequently, direct the respondent to pay the salary for the period from 19.09.2017 till the duty is provided to the petitioner, within a time frame fixed by this Court.

2. The case of the petitioner is that while he was on duty as conductor of the respondent Corporation on 5.9.2017 in the Bus bearing Registration No.TN-32-N-3244 in a trip from Kallakurichi to Thiruvannamalai at Thiruvannamalai Angalamman Kovil Bus Stop, the petitioner got down from the bus and made entry in the office and returned immediately to the bus. But, surprisingly, he found that the ticket book worth about Rs.46,764/- along with his hand bag was missing. Thereafter, he made a thorough search in the bus and also enquired the passengers, who were sitting inside the bus, but he could not trace the same and finally, he informed the same to the Management and also lodged a criminal complaint on the file of the Town Police Station, Angalamman Kovil. Thereafter, when he went to attend the duty on 19.09.2017, he was not given duty. On the other

hand, the respondent served a letter on him stating that he will be given duty, only if he pays the value of the lost ticket book i.e. Rs.46,764/-. Hence the present Writ Petition.

3. Mr.P.Paramasicadoss, learned Standing Counsel for the respondent Transport Corporation takes notice.

4. A perusal of the complaint given by the petitioner to the concerned police station shows that the ticket book which the petitioner has kept inside the bus in which he was discharging his duty as Conductor was lost. Therefore, the respondent, without conducting any enquiry by issuing charge memo and calling for explanation from the petitioner, cannot pass the impugned order.

5. The learned Standing Counsel appearing for the respondent would also accept that there was no enquiry held and also sought liberty to proceed against the petitioner afresh after issuing proper notice, calling for explanation and thereafter, complete the enquiry in the manner known to law.

6. Placing on record the above submission of the learned

Standing Counsel for the respondent, the Writ Petition stands allowed and the respondent shall proceed against the petitioner after issuing proper notice, calling for explanation and thereafter complete the enquiry in the manner known to law. Further, the respondent is also directed to permit the petitioner to serve till the enquiry is completed, though it is stated by the learned Standing Counsel for the respondent that the petitioner is only a casual worker.

7. At this stage, it is represented by the learned Standing Counsel for the respondent that sufficient time may be granted to complete the above said exercise.

8. The respondent is granted five months time to complete the entire exercise as stated above.

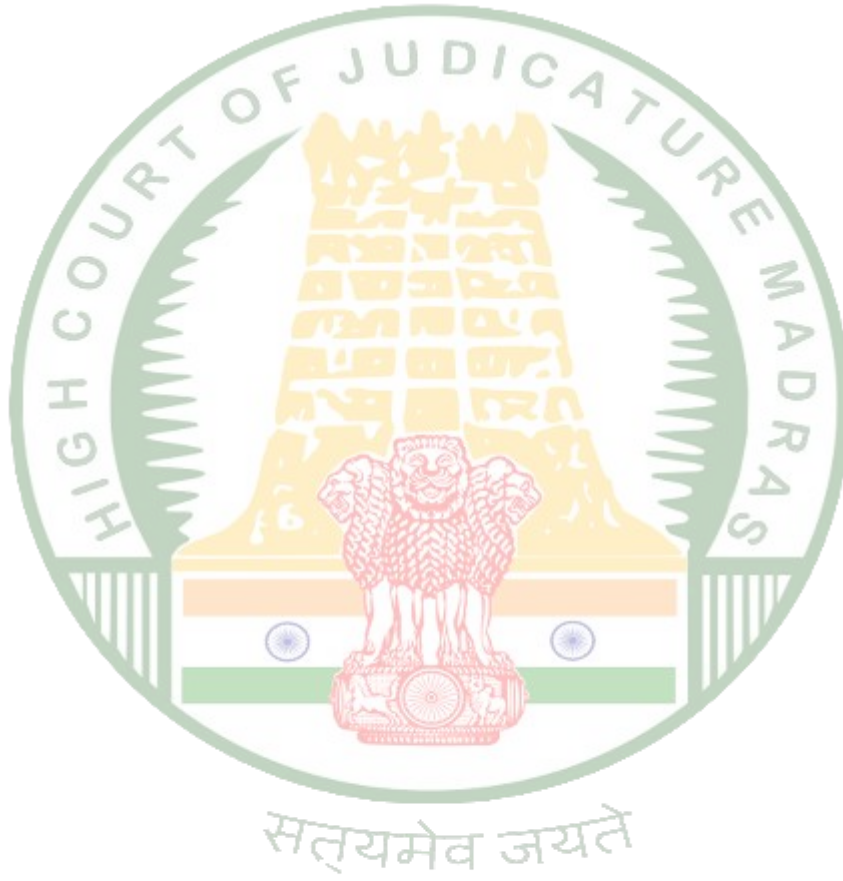
No costs. Consequently, connected Miscellaneous Petitions are also closed.

12.10.2017

Index : Yes/No
Internet : Yes/No
tsi

To
The Branch Manager,

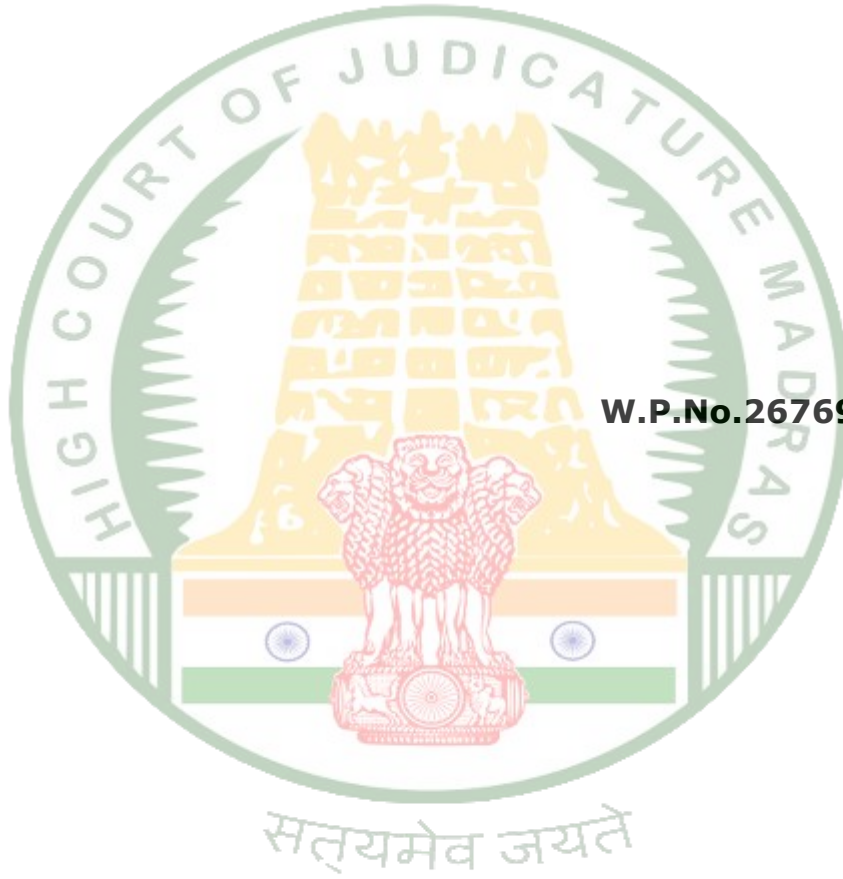
Kallakurichi Branch,
Tamil Nadu State Transport Corporation
Villupuram Limited,
Villupuram District.



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T.RAJA, J,

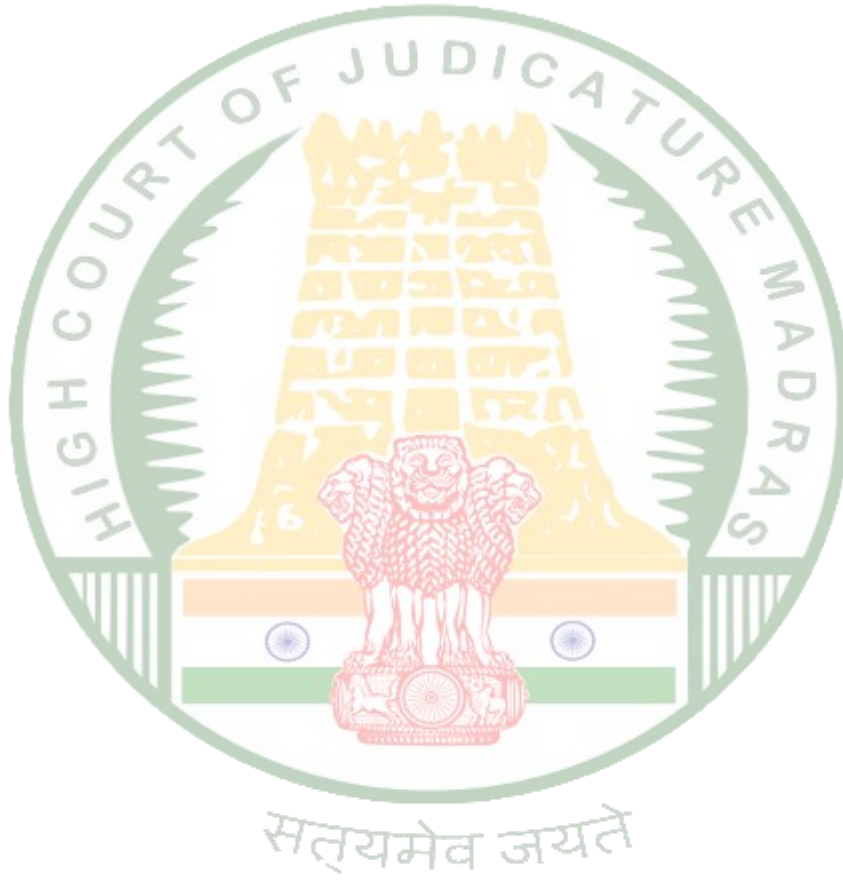
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