



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.04.2017

CORAM

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P. (MD) .No.5620 of 2017

and

W.M.P. (MD) Nos.4498 & 4499 of 2017

P.Alexander

.. Petitioner

Vs.

1. The Managing Director,
The Tamil Nadu State Transport
Corporation (Tirunelveli) Ltd.,
Tirunelveli, Tirunelveli District.
2. The General Manager,
The Tamil Nadu State Transport
Corporation (Tirunelveli) Ltd.,
Nagercoil Region,
Kanyakumari District.
3. The Enquiry Officer,
The Tamil Nadu State Transport
Corporation (Tirunelveli) Ltd.,
Nagercoil Region, Kanyakumari District.
4. The Branch Manager,
The Tamil Nadu State Transport
Corporation (Tirunelveli) Ltd.,
Kanyakumari Depot,
Kanyakumari District.

.. Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned charge memo No.8040/Legal-4/Olungu/ThaNaAPoKa/2016 of the second respondent, dated 18.03.2017 based on the enquiry report of the third respondent, dated 25.02.2017 and quash the same and consequently, direct the respondents herein to allow the petitioner to retire from service on the date of superannuation on 31.05.2017 with all retirement and pensionary benefits.

For Petitioner

<https://hcservices.ecourts.gov.in/hcservices/>

For Respondents

: Mr.A.Rajkumar Sen

: Mr.K.Sathiya Singh,

Standing Counsel for T.N.S.T.C.,

**O R D E R**

This Writ petition has been filed by the petitioner for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned charge memo No.8040/Legal-4/Olungu/ThaNaAPoKa/2016 of the second respondent, dated 18.03.2017 based on the enquiry report of the third respondent, dated 25.02.2017 and quash the same and consequently, direct the respondents herein to allow the petitioner to retire from service on the date of superannuation on 31.05.2017 with all retirement and pensionary benefits.

2. Heard the learned counsel appearing for the petitioner and the learned Standing Counsel for T.N.S.T.C., appearing for the respondents.

3. Mr.K.Sathiya Singh, learned Standing Counsel for T.N.S.T.C., takes notice for the respondents. By consent, the Writ petition itself is taken up for final disposal.

4. This Writ petition is for challenging the second show cause notice issued to the petitioner after holding an enquiry and serving the report of the enquiry officer against the petitioner with regard to the Charge Memo, dated 14.10.2016.

5. Though the petitioner stated that he has given explanation, he has not produced the same along with the typed set. However, the submission of the petitioner that the explanation has also been submitted by the petitioner is recorded.

6. The Writ petition at this stage is not maintainable having regard to several judicial precedents. Hence, the Writ petition is devoid of any merits. The petitioner has not raised any ground either challenging the jurisdiction or the Authority of the respondents to issue the Charge Memo or to take disciplinary proceedings against the petitioner. This is not a case where the enquiry was proceeded without jurisdiction or Authority. Hence, the Writ petition is dismissed. No costs. Consequently, connected Miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar



To

1. The Managing Director, The Tamil Nadu State Transport Corporation (Tirunelveli) Ltd., Tirunelveli, Tirunelveli District.

2. The General Manager, The Tamil Nadu State Transport Corporation (Tirunelveli) Ltd., Nagercoil Region, Kanyakumari District.

3. The Enquiry Officer, The Tamil Nadu State Transport Corporation (Tirunelveli) Ltd., Nagercoil Region, Kanyakumari District.

4. The Branch Manager, The Tamil Nadu State Transport Corporation (Tirunelveli) Ltd., Kanyakumari Depot, Kanyakumari District.

+1cc to Mr.A.Rajkumar Sen, Advocate Sr.No.19087

+1cc to Mr.K.Sathiya Singh, Advocate Sr.No.18907

pmu

vb/rsk/sar4/16.05.2017/3p/7c

**ORDER MADE IN
W.P. (MD) .No.5620 of 2017 and
W.M.P. (MD) Nos.4498 & 4499 of 2017
03.04.2017**