

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.02.2018

CORAM:

THE HONOURABLE MR. JUSTICE T.RAJA

Writ Petition Nos.3178 of 2018

and

WMP No.3891 of 2018

A. Senthil Kumar Petitioner

vs.

1. The General Manager,
Tamil Nadu State Transport Corporation (Coimbatore) Ltd,
Coimbatore - 641 043
2. The Branch Manager,
Tamil Nadu State Transport Corporation (Coimbatore) Ltd,
Sungam - 1, Coimbatore District
3. The Assistant Manager (Legal-2),
Tamil Nadu State Transport Corporation (Coimbatore) Ltd,
Coimbatore - 641 043
4. Soundarrajan Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records in respect of the Order No.1/G9/3188/TNSTC/17 dated 11.07.2017 issued by the third respondent and quash the same and loss of salary during the period may be paid with normal interest and withdrawn departmental enquiry and conduct enquiry against 4th respondent for the wrongful loss to the petitioner.

For petitioner : Mr.S. Ezhilraj

For respondents : Mr.R.S. Selvam
Standing Counsel

ORDER

This writ petition is directed against the impugned Charge Memo dated 11.7.2017, issued against the petitioner to be quashed with further consequential direction to the respondents to pay loss of salary during the period he was kept under suspension along with interest and also to withdraw the departmental enquiry.

2. Mr.R.S. Selvam, learned Standing Counsel takes notice for the respondents 1 to 3.

3. The learned counsel for the petitioner submitted that on 23.06.2017, the petitioner was discharging his duty as a Conductor in Bus Number TN-38-N-2076 in Route No.14C/14D at 6.15 p.m. It is at this point of time, the Checking Inspector by name Mr.Soundarrajan and one Mr.Ravichandran stopped the bus and verified the ticket with the passengers. The Bus was stopped for ten minutes. The Checking Inspector verified the trip sheet and invoice balance and found discrepancy i.e., as per the Invoice Balance, there were only 14 passengers, but there were 15 passengers inside the bus. The Checking Inspector having found one passenger travelling without ticket, asked him to show the ticket. In reply, he told the Checking Inspector that he had already purchased ticket and was searching the ticket. However, he was unable to find the ticket. But, immediately, he purchased a ticket by giving Rs.20/-, for which, the petitioner had given the ticket and also had given the balance amount of Rs.7/-.

4. When the matter stands as above, the petitioner was unnecessarily issued with charge memo, as though he has committed certain irregularities, for which, he has given explanation on 16.08.2017. Now, the petitioner was not paid with salary during suspension period from 04.08.2017 to 21.08.2017.

5. As the petitioner was already paid subsistence allowance during the period of suspension and till the enquiry proceedings initiated against the petitioner, comes to an end, he cannot ask for salary. Moreover, the disciplinary authority has to pass final order on completion of the enquiry. Therefore, at this stage, the petitioner cannot come to this Court during the pendency of the disciplinary proceedings.

6. The learned Standing Counsel seeks time to complete the enquiry.

7. Accordingly, the first respondent is directed to complete the enquiry within a period of ten weeks from the date of receipt of a copy of this order. With the above direction, the writ petition is disposed of. No costs. Consequently, connected WMP is closed.

Sd/-

ASST. REGISTRAR

/TRUE COPY/

SUB ASST. REGISTRAR

sr

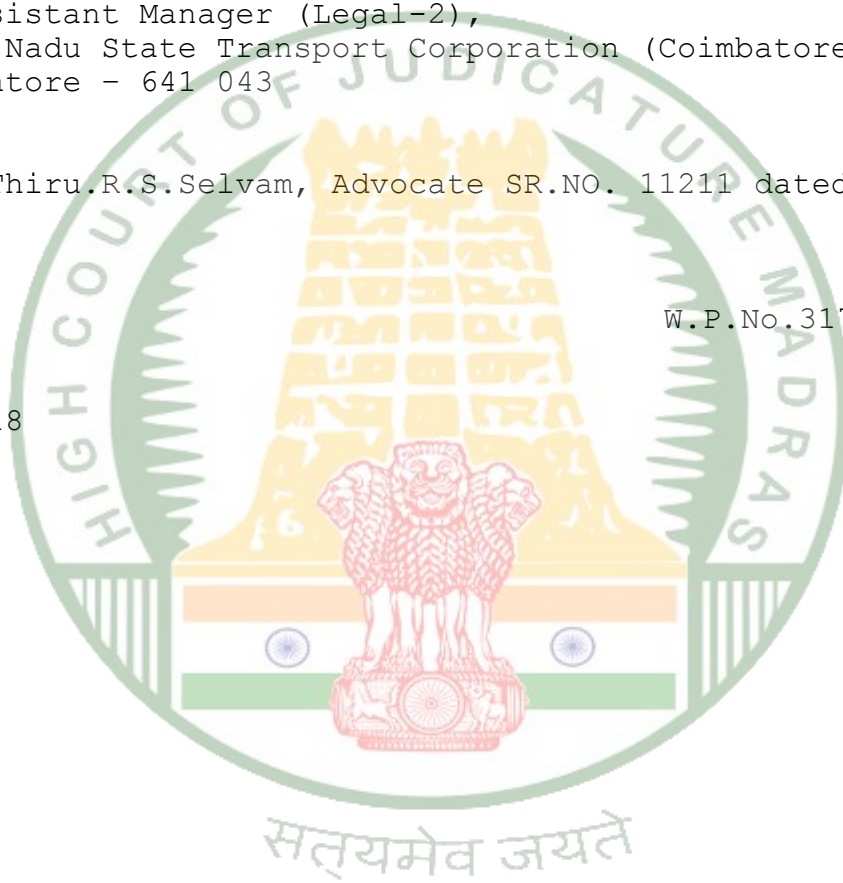
To

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Coimbatore - 641 043

+1 cc to Thiru.R.S.Selvam, Advocate SR.NO. 11211 dated 14.02.18

W.P.No.3178 of 2018

MR (CO)
JK 07/03/18



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