



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **27.02.2018**

CORAM:

**THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN**

W.P. (MD) No. 3309 of 2018

WEB COPY

Selvi

.. Petitioner

Vs.

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

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 to issue a Writ of Certiorarified Mandamus, to call for records pertaining to the impugned order passed by the second respondent in Ref.LD4TN/56 dated 26.12.2015 quash the same and direct the respondents to reinstate the petitioners husband into services with back wages and continuity of service and direct the first respondent to refer the petitioners husband to the medical board, so that the petitioner can be discharged from service with all retirement benefits within the time stipulated by this Court.

For petitioner : Mr. K.Gokul  
For respondents : Mr.A.Jeyaram  
Standing Counsel

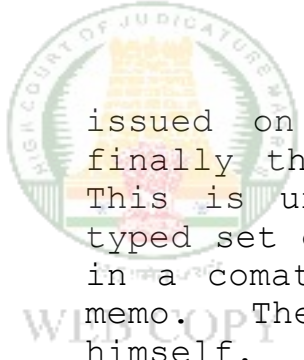
**O R D E R**

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Heard Mr. K.Gokul, learned Counsel appearing for the petitioner and Mr.A.Jeyaram, learned Standing Counsel appearing for the respondents.

2. By consent of both parties, the main writ petition is taken up for final disposal at the stage of admission itself.

3. The petitioner is the wife of one Manivannan. He was employed as a Driver in the respondent/Corporation, since 1999. He developed some neurological issue and underwent surgery in March, 2014. The petitioner's specific case is that her husband is suffering from epilepsy and is in comatose condition. However, on the ground that he has been unauthorisedly absent, charge memo was



issued on 02.07.2015 and *ex parte* enquiry was conducted and finally the petitioner's husband was also removed from service. This is under question herein. The materials enclosed in the typed set of papers clearly show that the petitioner's husband was in a comatose condition, even before the issuance of the charge memo. Therefore, he was not even in a position to even defend himself. In such circumstances passing of an *ex-parte* order of the dismissal against him can only be said to be a gross miscarriage of justice. There is a grievous violation of principles of natural justice in this case. The Management had proceeded in a very mechanical fashion. It issued charge memo and since no response was received it conducted an enquiry and dismissed him from service. Now that the facts have come to light. The impugned order dismissing the petitioner's husband from service, is liable to be quashed.

4. The respondent Management is directed to refer the case of the petitioner's husband Manivannan for the consideration by the Medical Board. The report from the Medical Board shall be obtained within a period of two months from today. Based on the report of the Medical Board, the Management will issue appropriate proceedings, retiring the petitioner's husband from service and also disbursing the other benefits.

5. This Writ petition is allowed accordingly. No costs.

Sd/-

Assistant Registrar(AS)

/True Copy/

Sub Assistant Registrar

To

1. The Managing Director,  
Tamil Nadu State Transport Corporation (Madurai) Limited,  
Bye-pass Road,  
Madurai District.
2. The General Manager,  
Tamil Nadu State Transport Corporation (Madurai) Limited,  
Dindigul Region,  
Dindigul.

+ 1 cc TO Mr.K.Gokul , Advocate in SR No. 51861

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AE/SKN RSK/SAR4/04.07.2018/2P/4C