



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.04.2018

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THE HON'BLE MR.JUSTICE R.SURESH KUMARW.P.(MD) No.7476 of 2018
and WMP Nos.7158 and 7159 of 2018

S.Rajendran

... Petitioner

-vs-

1. The Managing Director,
Tamil Nadu State Transport Corporation
Kumbakonam Division,
No.27 Railway Station New Road,
Kumbakonam -1
2. The General Manager,
Tamil Nadu State Transport Corporation
(Kumbakonam) Ltd.,
Karaikudi Region,
Karaikudi.
3. The Deputy Manager
Tamil Nadu State Transport Corporation
(Kumbakonam) Ltd.,
Karaikudi Region,
Karaikudi.
4. The Commercial Officer,
Tamil Nadu State Transport Corporation
(Kumbakonam) Ltd.,
Karaikudi Region, Karaikudi.
5. The Branch Manager,
Tamil Nadu State Transport Corporation
(Kumbakonam) Ltd.,
Karaikudi Region, Devakottai Branch
Ram Nagar, Devakottai

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Certiorarified Mandamus to call for the records relating to the impugned proceedings of the 2nd respondent குறிப்பு எண்.617/த.ந.போ.க/2008 நாள் .19.01.2018 and quash the same and consequently direct the 2nd respondent to consider petitioner's explanation dated 27.02.2018.



For Petitioner : Mr.A.Muralikumar
For Respondents: Mr.D.Sivaraman
Standing Counsel

O R D E R

The prayer in the writ petition is for a writ of Certiorarified Mandamus to call for the records relating to the impugned proceedings of the 2nd respondent குறிப்பு எண்.617/த.ந.பொ.க/2008 நாள் . 19.01.2018 and quash the same and consequently direct the 2nd respondent to consider the petitioner's explanation dated 27.02.2018.

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

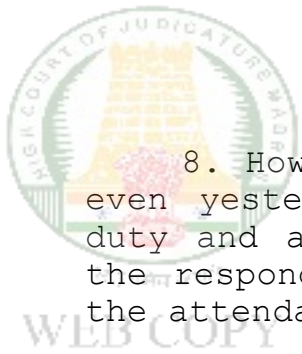
3. Heard Mr.A.Muralikumar, learned counsel for the petitioner and Mr.D.Sivaraman, learned standing counsel for the respondent Corporation.

4. Though the impugned order dated 19.01.2018 is under challenge by the petitioner herein, the learned counsel for the petitioner would submit that on 27.02.2018, the petitioner had given a representation to give job to him. Subsequently on 12.03.2018, he had issued a legal notice to that effect to the respondents. Only thereafter, the impugned order dated 19.01.2018, though was dated as such, had been served on him on 23.03.2018.

5. Even according to the impugned order, the petitioner was absent from 09.01.2018 to 11.01.2018, whereas, according to the learned counsel for the petitioner, he was very much available for duty and he has done the duty for all the three days and in this regard, he has filed the timing sheet of the respondents for the three days.

6. However, the learned standing counsel for the respondent Corporation submits that none of these documents had been produced to the 2nd respondent and pursuant to the impugned communication, if at all the petitioner has to give any explanation, those documents, allegedly had been already given to the 2nd respondent, can be given to the 2nd respondent atleast now and if those documents are submitted including the alleged proof for the petitioner having worked for the three days from 09.01.2018 to 11.01.2018, certainly, the 2nd respondent would consider all those things and decide the disciplinary issue initiated under the impugned proceedings dated 19.01.2018.

7. The learned standing counsel would further submit that even though the petitioner was permitted to join duty, though he worked for few days, from 25.03.2018 he was absent and on 27.03.2018, he just forwarded a medical certificate without having any proper leave letter seeking medical leave.



8. However, the learned counsel for the petitioner submits that even yesterday ie., on 09.04.2018, when the petitioner reported duty and after having completed the duty, the person in-charge at the respondent Office has allegedly scored off the initial made in the attendance register.

9. Since all these allegations and counter allegations are made by the parties in between them only orally, this Court cannot go into these aspects by having a roving enquiry. However, the facts remain that the petitioner is ready and willing to give explanation and according to him, he has already given the same to the respondents, the petitioner can give those explanation and request, which has already been allegedly given to the respondents, once again now and on receipt of the same, it can be considered and a decision can be pragmatically taken by the respondents.

10. In that view of the matter, this writ petition is disposed of with the following directions:

(i) that the petitioner shall give a copy of the earlier report, request, explanation dated 27.02.2018, 12.03.2018 to the 2nd respondent immediately along with the documents ie., copy of TCR dated 09.01.2018 to 11.01.2018.

(ii) On receipt of such explanation and documents from the petitioner, the 2nd respondent shall consider the same and pass orders thereon towards concluding the proceedings initiated in the impugned proceedings;

(iii) unmindful of the said proceedings and decision thereon, the petitioner shall report to the respondents for duty by 11.04.2018; and

(iv) once he reports for duty, the 2nd respondent or his subordinates shall take the petitioner for duty.

No costs. Consequently connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(T&P)

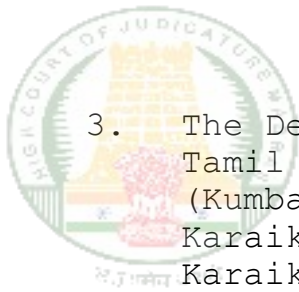
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Sub Assistant Registrar

To:

1. The Managing Director,
Tamil Nadu State Transport Corporation
Kumbakonam Division,
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2. The General Manager,
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Karaikudi Region, Devakottai Branch
Ram Nagar, Devakottai

+1CC to Mr.A.Muralikumar, Advocate, SR.No. 60562

+1CC to Mr.D.Sivaraman, Advocate, SR.No. 60450

W.P.(MD) No.7476 of 2018
and WMP Nos.7158 and 7159 of 2018
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AM/SV MMS/SAR 1/10.04.2018/4P/8C