



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 20.04.2018

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P (MD) No.8734 of 2018

T.Thangam

... Petitioner

Vs.

1.The General Manager (Administration)
State Express Transport Corporation,
Chennai - 2.

2.The Branch Manager,
Marthandam Branch,
State Express Transport Corporation,
Marthandam Depot,
Kanyakumari District.

... Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to consider petitioner's representation dated 28.03.2018 and to reinstate the petitioner in the post of driver and allot the works to the petitioner in the 2nd respondents depot.

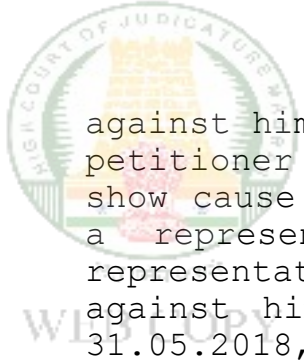
For Petitioner : Mr.R.Manimaran
For Respondents : Mr.K.Sathiyasingh
TNSTC Standing Counsel

O R D E R

The prayer sought for herein is for a writ of Mandamus, directing the respondents to consider petitioner's representation dated 28.03.2018 and to reinstate the petitioner in the post of driver and allot the works to the petitioner in the 2nd respondents depot.

2.Heard Mr.R.Manimaran, learned counsel appearing for the petitioner and Mr.K.Sathiyasingh, learned standing counsel for the respondents.

3.The petitioner suffered with the punishment for his misdeed on 01.09.2017 and subsequently on 14.03.2018, a charge memo has been issued by the respondents framing six charges and also in the said charge memo, it has further been stated that during his past services, 18 times the petitioner have been punished for his violation and misdeeds and therefore, a show cause notice cum charge memo dated 14.03.2018 has been issued, asking the petitioner as to why extreme action of removal of service shall not be initiated



against him and in this regard, they sought for explanation from the petitioner within 7 days. On receipt of the said charge memo cum show cause notice dated 14.03.2018, though the petitioner had given a representation on 28.03.2018, he has stated in the said representation that he would give explanation for the charges framed against him and in the meanwhile, since he is superannuating on 31.05.2018, he shall be reinstated.

4.The learned counsel for the petitioner would submit that the said request of the petitioner dated 28.03.2018 may be directed to be considered by the respondents.

5.Per contra, Mr.K.Sathiyasingh, learned standing counsel for the respondents would submit that as has been given in the communication dated 14.03.2018, the petitioner had already been punished for 18 times. This time also six charges have been framed against him. Therefore, he was directed to give explanation within 7 days. Instead of giving explanation, he has approached this Court with a prayer to consider his request for reinstatement as per his representation dated 28.03.2018. Since show cause notice has already been issued, where the petitioner admittedly has not chosen to give reply, the question of consideration of his request for reinstatement at this stage would not arise.

6.I have considered the said submissions made by both sides. But, the fact remains that the petitioner has not so far been suspended. However, charges have been framed against him and the past conduct of the petitioner shows that the petitioner is a chronic defaulter or had been involving misdeeds. That is why atleast 18 times, he has been been punished in his service. Therefore, at this juncture, to meet the ends of justice, this writ petition is disposed of with the following direction:

"The petitioner is directed to give explanation to the show cause notice dated 14.03.2018 within 10 days from the date of receipt of a copy of this order. On receipt of such explanation from the petitioner, the respondents are directed to consider the said explanation to be filed by the petitioner within a period of four weeks and an order to that can be passed by them. However, ultimately, if the respondents decide to conduct an enquiry on the charges framed against him, for the communication dated 14.03.2018, it is open to the respondents to conduct enquiry and shall complete the same, within a period of six weeks thereafter. If the respondents decide otherwise not to conduct any enquiry, suitable orders shall be passed on the merits of the case depending upon the explanation to be given by the petitioner and reasoned order can be passed by the respondents, within the said stipulated four weeks time and on the outcome of the order to be passed by the respondents, the parties can workout their remedies."



7. With the above observation and direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-III)

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Sub Assistant Registrar

To

+1cc to M/S.R.Manimaran, Advocate SR.No. 62477

+1cc to M/S.K.Sathiyasingh, Advocate SR.No. 63162

W.P (MD) No. 8734 of 2018
20.04.2018

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JM/KKR/SAR 3/18.06.2018/3P/3C