



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.11.2018

CORAM:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

W.P. (MD) No.22469 of 2018

and

W.M.P. (MD) Nos.20324 and 20325 of 2018

S.Gurunathan

... Petitioner

vs.

1. The Managing Director,
Tamil Nadu State Transport Corporation (Madurai) Ltd,
Madurai Region, Bye-pass Road,
Madurai-625 016.

2. The General Manager,
Tamil Nadu State Transport Corporation (Madurai) Ltd.,
Madurai Region,
Bye-pass Road,
Madurai-625 016.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of Certiorified Mandamus, to call for the records in connection with the impugned order in O.Na.Tu/D7/CR/3351, dated 24.04.2018 and the consequential impugned order in Ona.Tu/D3/Usilai/2290 dated 13.07.2018 on the file of the second respondent, quash the same as illegal and consequently directing the respondents 1 and 2 herein to permit the petitioner to continue as Senior Conductor at Madurai Rural Branch and confer all monetary benefits to him after regularizing the suspension period one month from 06.10.2017 to 05.11.2017 within a stipulated time.

For Petitioner : Mr.S.Siva Thilakar

For Respondents : Mr.A.Jeyaram

O R D E R

The writ petitioner S.Gurunathan is the Senior Conductor in Tamil Nadu State Transport Corporation (Madurai) Limited, who is the second respondent herein. During the inspection taken by the Checking Inspector, he was found issuing old tickets to six passengers for a total sum of Rs.480/-. Hence, the charge memo was issued and enquiry was conducted. Enquiry Officer found that the charges proved and thereafter, show cause notice has been issued by the Disciplinary Authority proposing stoppage of increment for three years with cumulative effect should be imposed on him.



2.It appears that, in the meanwhile, there was an unauthorized absent also by this writ petitioner. Hence, show cause notice was issued and thereafter, based on the Enquiry Officer report, proposed to impose punishment of one year stoppage of increment without cumulative effect and the same was communicated to the writ petitioner vide letter dated 13.07.2018 and the writ petitioner was sought to give his representation within seven days or else appropriate orders will be passed on merits.

3.The writ petitioner in response to this notice dated 13.07.2018, has belatedly given a representation to the Managing Director who is superior to the Disciplinary Authority, on 29.08.2018. In his representation, he has given explanation for both the show cause notices.

4.The learned counsel representing the Transport Corporation would submit that so far no final order has been passed by the Disciplinary Authority in both the matters.

5.Since the representation is still pending under consideration, there is no scope to entertain the writ petition for issuance of Writ of Certiorarified Mandamus.

6.As a result, this writ petition is disposed of with a direction that if the Disciplinary Authority has not passed any order pursuant to the communications dated 13.07.2018 and 24.04.2018, may consider the representation given by the writ petitioner dated 29.08.2018 and pass appropriate orders within a period of eight weeks. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(Cs-II)

/True Copy/

Sub Assistant Registrar(CS-I)

+1cc to Mr.S.Siva Thilakar, Advocate Sr.No.94579

CP

VB/RSK/SAR1/19.11.2018/2P/2C

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