



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.09.2018

CORAM:

THE HONOURABLE Mr. JUSTICE S. VAIDYANATHAN

W.P. (MD) No. 19049 of 2018

and

W.M.P. (MD) No. 16886 of 2018

R. Satheesh Kumar

... Petitioner

Vs.

1. The General Manager,  
Tamil Nadu State Transport Corporation (Coimbatore) Ltd.,  
Erode Region,  
Erode.

2. The Branch Manager,  
Tamil Nadu State Transport Corporation (Coimbatore) Ltd.,  
Erode Region,  
Karur Branch,  
Karur District.

... Respondents

**PRAYER:** Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari calling for the records relating to the impugned charge memo cum suspension order passed by the first respondent in Ref.No.1/D4/646/Sattam/ ThaAPoKa/Ee.Ma/2018, dated 05.07.2018 and quash the same as illegal.

For Petitioner : Mr.K.Mahendran

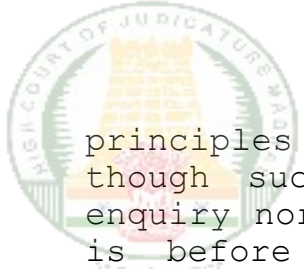
For Respondents : Mr.K.Sathiya Singh

### ORDER

The petitioner has come forward with the present Writ petition to issue a Writ of Certiorari, to quash the impugned charge memo cum suspension order passed by the first respondent in Ref.No.1/D4/646/Sattam/ ThaAPoKa/Ee.Ma/ 2018, dated 05.07.2018 as illegal.

2. The case of the petitioner is that while he was working as a Driver in the respondents / Corporation, he was placed under suspension by the above said impugned order.

3. The contention of the petitioner is that no documents have been issued by the respondents in spite of his demand by way of making representation and also by raising an Industrial Dispute under Industrial Disputes Act, 1947. By a proceedings in Na.Ka.No.192 of 2018 the Commissioner of Labour, Erode, directed the first respondent to conduct domestic enquiry without violating the



principles of natural justice after providing all particulars. Even though such order is passed, the respondents neither conducted enquiry nor revoked the order of suspension. Hence, the petitioner is before this Court with the present Writ petition for the aforesaid relief.

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4. Heard the learned counsel for the petitioner and the learned standing counsel appearing for the respondent.

5. It is only a memorandum of charges making certain allegations against the petitioner and also placing him under suspension asking him to give an explanation. It is pertinent to note that an employee will have to establish his innocence. The allegations made, have to be proved by the respondent. The contention of the petitioner is that he is under prolonged suspension. Such contention cannot be accepted as he has been placed under suspension only on 05.07.2018. That apart a representation was made by the petitioner seeking for certain documents and that the respondents / management is bound to furnish necessary documents that are relied upon in order to prove the charges in the domestic enquiry. Further, a dispute under Section 2(K) cannot be raised by an individual and it can be done only the union. The petitioner has been placed under suspension on 05.07.2018. It is open to the respondents to take a decision either to revoke or to continue the suspension. In case, the respondents intend to proceed with the enquiry, the enquiry shall go on, on day today basis without adjourning the matter beyond 7 working days at any point of time after furnishing necessary documents to the petitioner. The petitioner shall not approach the Court / forum intermediately and if the enquiry is stalled by him even by approaching the Court, he will be entitled to only 50% as subsistence allowance.

6. Accordingly, this Writ petition is disposed of. No costs. Consequently, connected W.M.P. is closed. No costs.

Sd/-

Assistant Registrar (Writs)

// True Copy //

Sub Assistant Registrar (CS-III)

**TO**

1. The General Manager,  
Tamil Nadu State Transport Corporation (Coimbatore) Ltd.,  
Erode Region,  
Erode.



2.The Branch Manager,  
Tamil Nadu State Transport Corporation (Coimbatore) Ltd.,  
Erode Region,  
Karur Branch,  
Karur District.

+1 CC To MR.K.MAHENDRAN, Advocate SR. NO.82100

+1 CC To MR.K.SATHIYA SINGH, Advocate SR. NO. 82347

**W.P. (MD) No.19049 of 2018**  
**04.09.2018**

**NBJ**

**TR/SKN/SAR-III (20.11.2018) 3P 5C**