



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.10.2018

CORAM:

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THE HONOURABLE Mr. JUSTICE S. VAIDYANATHAN

W.P. (MD) No. 21026 of 2018
and
WMP (MD) No. 18835 of 2018

L. Mohan

... Petitioner

Vs.

1. The Managing Director,
Tamil Nadu State Transport Corporation
(Kumbakonam) Ltd.,
27, Railway Station New Road,
Kumbakonam - 612 001,
Thanjavur District.
2. The General Manager,
Tamil Nadu State Transport Corporation,
Managiri Post, Maruthupathi,
Karaikudi.
3. The Deputy Manager,
Administration Section,
Tamil Nadu State Transport Corporation
Managiri Post, Maruthupathi,
Karaikudi.
4. The Branch Manager,
Tamil Nadu State Transport Corporation
Paramakudi Branch, Paramakudi,
Ramanathapuram District.
5. The Branch Manager,
Tamil Nadu State Transport Corporation
Sivagangai Branch,
Sivagangai District.

... Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the 2nd respondent in proceedings in TNSTC/TS/T5/18, dated 02.06.2018 and 01.09.2018 and quash the same and consequently direct the 4th respondent to permit the petitioner in original place (Paramakudi).



For Petitioner
For Respondent

: Mr.M.Dig Vijayapandian
: Mr.D.Sivaraman
Standing Counsel

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ORDER

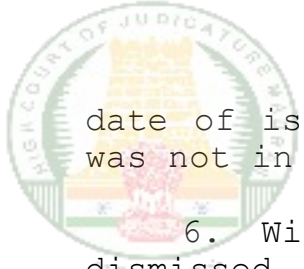
The petitioner has come forward with the present Writ Petition for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the 2nd respondent in proceedings in TNSTC/TS/T5/18, dated 02.06.2018 and 01.09.2018 and quash the same and consequently direct the 4th respondent to permit the petitioner in original place (Paramakudi).

2. The learned counsel appearing for the petitioner would submit that earlier, since the petitioner was transferred from the 4th respondent to 5th respondent, the petitioner challenged the same and that this Court, had granted an interim order and subsequently, which has been extended until further order. As the petitioner has requested the respondents that he should be reinstated and given posting the same place, ignoring that, the charge memo has been issued and an explanation had already been given and that the act of the respondents in disobeying the orders of this Court amounts to contempt and that the chargesheet and the enquiry notice have got to be interfered with, on account of colourable exercise of the respondents.

3. A glance of the interim orders of this Court, which has been extended until further orders pertains to transfer and the charge memo, is nothing todo with the transfer. That apart, the petitioner has already been given explanation and he has been asked to appear for enquiry. The contention that the summons, dated 01.09.2018, is a cyclostyled stereotype order asking the petitioner to appear is a serious one, cannot be accepted, as it is only a notice specifying the date of enquiry and on which date, the petitioner will have to appear. Naturally, the notice asking the petitioner is in cyclostyled format and that does not mean that the respondent has not considered the claim of the petitioner in accordance with Rules.

4. I find no reason to interfere with the impugned charge sheet and the enquiry notice asking the petitioner to appear for enquiry. The respondents are directed to conduct the enquiry on day-to-day basis without adjourning the matter beyond seven working days at any point of time. The petitioner is expected to participate in the enquiry and shall not approach this Court intermittently to stall the enquiry proceedings.

5. At this juncture, it is represented by Mr.D.Sivaraman, learned counsel that in the earlier writ petition ie., W.P.(MD) No.8470 of 2018, when the matter came up for hearing, it has been stated that the petitioner has already been relieved and that on the



date of issuance of an interim order of status-quo, the petitioner was not in service in that particular branch.

6. With the above observation, the Writ Petition stands dismissed. No costs. Consequently, the connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar (AD-I)

/True Copy/

Sub Assistant Registrar (CS-II)

+ 1 CC TO Mr.D.SIVARAMAN, ADVOCATE IN SR No. 96619

MPK

TE/RSK/SAR-2 : 29/11/2018 : 3P/2C

W.P. (MD) No.21026 of 2018
12.10.2018