

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.01.2019

CORAM

THE HONOURABLE Mr.JUSTICE D.KRISHNAKUMAR

W.P.No.6005 of 2011

&

M.P. No.1 & 2 of 2011

N. Shanmugavel

...

Petitioner

Vs.

1. The Managing Director,
Tamil Nadu State Transport
Corporation (Salem) Limited,
Salem Division-I, Salem.

2. The General Manager,
Tamil Nadu State Transport
Corporation (Salem) Limited,
Salem Division-I, Salem.

3. The Branch Manager,
Tamil Nadu Stat Transport
Corporation (Salem) Limited,
Sankagiri Branch, Salem - 7

...

Respondents

Prayer:- The Writ Petition is filed under Article 226 of the Constitution of India, issuance of a Writ of Certiorarified Mandamus, calling for the entire records culminated in issuing the proceedings of the second respondent in Ka.No.581/27853D5/Thaapoga/2010 dated 17.12.2010, quash the same and consequently, direct the respondents to re-instate the petitioner in service as Conductor in the respondent corporation with all service and monetary benefits.

For Petitioner : Mr. Sellapandian

For Respondents : Mr. S. Rajeni Ramadass
(For Tamilnadu State Transport Corporation)

WEB COPY
O R D E R

According to the petitioner, the petitioner was appointed on 02.04.2008 as Conductor on daily wage basis in the third respondent branch corporation. The service of the petitioner was regularized with effect from 01.02.2009. By proceedings dated 17.12.2010 of the second respondent, the petitioner was informed that the educational certificates furnished by him at

the time of appointment were not genuine. Therefore, The petitioner was called upon to submit his explanations in order to proceed disciplinary action against him. The petitioner has submitted his explanation on 28.12.2010 specifically stating that he has studied upto IX standard in the Government School and thereafter, he pursued 10th standard through a private tutorial for two years. After passing 10th examination, the said certificate has been received by post. Hence, the petitioner has requested the second respondent by letter dated 26.01.2011 to drop the charges framed against him and reinstate him in the service. However, the charge memo was served to the petitioner alleging that he has produced bogus educational certificate at the time of interview. Being aggrieved by the same, the petitioner has filed the present writ petition challenging the charge memo issued by the second respondent in proceedings No. Ka.No.591/27853/D5/Thaapoga/2010 dated 17.12.2010.

2. According to the petitioner, the charge memo has been issued without proper enquiry and justification to the petitioner. Hence, the same is illegal, unwarranted and liable to be set aside. Further, the petitioner has relied upon the order of this Court in W.A. No.644 to 653 of 2008 and W.P. No.29389 to 29391 of 2003 wherein this Court has modified the punishment of dismissal quashing the Charge memo framed against the petitioners. Similarly, the present case may also be considered relying on the aforesaid Judgment.

3. The learned standing counsel for corporation would submit that the aforesaid Judgment cannot be made applicable to the facts of the present case and it is different case from the aforesaid facts of the case. The earlier case is allowed by this Court for the reasons that the disciplinary proceedings has been initiated against the petitioner without following the due process of law. But, in the present case, the petitioner was called upon for his explanation by issuing show cause notice with due process of law.

4. It is admitted fact that the petitioner was appointed in the year 2007 and charge memo was issued on 17.12.2010 after issuing show cause notice for his explanation with regard to bogus certificate submitted at the time of joining in the corporation. Therefore, the petitioner cannot rely on the afore-said Judgment and seek relief for the same as granted by this Court.

5. In view of the aforesaid submissions and considering the facts and circumstances of the case, the ground raised by the learned counsel for the petitioner for quashing the charge memo cannot be entertained by this Court as the petitioner has already submitted his explanation against show cause notice

issued by the respondent corporation. Therefore, this Court is not incline to interfere with the impugned charge memo passed by the second respondent against the petitioner and the same is rejected.

6.In the result, the writ petition is dismissed. Consequently, connected miscellaneous petitions are closed. There shall be no order as to costs.

Sd/-

Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

lbm

TO

1. The Managing Director,
Tamil Nadu State Transport
Corporation (Salem) Limited,
Salem Division-I, Salem.
2. The General Manager,
Tamil Nadu State Transport
Corporation (Salem) Limited,
Salem Division-I, Salem.
3. The Branch Manager,
Tamil Nadu Stat Transport
Corporation (Salem) Limited,
Sankagiri Branch, Salem - 7

+1cc to Mr.T.Sellapadian, Advocate, S.R.No. 7082

+1cc to Mr.Rajeni Ramadass, Advocate, S.R.No. 6713

W.P.No.6005 of 2011

&
M.P. No.1 & 2 of 2011

RK(CO)
GN(12/03/2019)

WEB COPY