IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.01.2019

CORAM

THE HON'BLE DR.JUSTICE S.VIMALA

W.P.No.34341 of 2018
and
W.M.P.Nos.39928 & 39929 of 2018

C.Vishnukumar ...Petitioner

Vs

1. The Managing Director
   The Metropolitan Transport corporation
   Pallavan salai
   Pallavan Illam,
   Chennai- 600002.

2 The Enquiry officer
   The Metropolitan Transport corporation
   Pallavan salai,
   Pallavan Illam,
   Chennai 600002. ...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking a writ of Certiorarified Mandamus calling for the records of the first respondent relating to the impugned order Reference No.No.30123 / SA.PI (Oo.Na) 9 / Vi.Aa / III / Ma.Po.Ka.2017 dated 4.12.2018 to quash the same as illegal and consequently direct the first respondent to consider the representation dated 7.12.2018 to provide the duty to the petitioner and also confer the petitioner as permanent status with effect from the date of completion of 240 days i.e. 25.1.2014 as per 12(3) settlement and in the time scale of pay and to pay all other the monetary benefits that may arise thereon and also to furnish the required documents to the petitioner with in a time limit.

For Petitioners: M/s.R.Y.George Williams

For Respondents: Ms.Rajeni Ramadoss

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O R D E R

This writ petition has been filed, seeking to quash the impugned order dated 04.12.2018. The impugned order is the enquiry notice, calling upon the petitioner to appear for the enquiry scheduled on 21.12.2018. The notice dated 04.12.2018 issued by the respondent reads that the petitioner is called upon to answer the charges in accordance with the charge memo already issued to him. The petitioner claims that no charge memo has been issued and therefore the enquiry to be conducted has to be quashed.

2. Ms.Rajeni Ramadoss, learned Standing Counsel takes notice for the respondent and pointed out that even in the representation of the petitioner dated 07.12.2018, there is an admission that charge memo has already been issued.

3. A perusal of the representation dated 07.12.2018 would go to show that there is an admission by the petitioner himself that charge memo has already been issued to the petitioner.

4. Under the circumstances, it is for the petitioner to cooperate with the enquiry proceedings. Learned counsel for the petitioner submits that it is not appropriate on the part of the respondents to proceed with the enquiry before furnishing the documents requested by the petitioner. The petitioner has sought for a copy of the Certified Standing Orders, Copy of the complaint and the details of the evidence recorded. The respondents are directed to furnish the aforesaid documents to the petitioner and to proceed with the enquiry and complete the same within three months from the date of receipt of a copy of this order. Learned counsel for the petitioner has made an endorsement in the case bundle requesting for the original impugned order and the envelope, filed along with the typed set of papers. Registry is directed to return the same on obtaining acknowledgement from the learned counsel for the petitioner.

5. With the above directions, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

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kst

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To

1 The Managing Director
The Metropolitan Transport corporation
Pallavan salai,
Pallavan Illam,
Chennai - 600002

2 The Enquiry officer
The Metropolitan Transport corporation
Pallavan salai
Pallavan Illam,
Chennai - 600002.

+1cc to M/s.S.Rajeni Ramadass, Advocate, S.R.No.896
+1cc to Mr.R.Y.George Williams, Advocate, S.R.No.1170

W.P.No.34341 of 2018

SR(CO)
KAK(18/02/2019)

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