



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.03.2019

CORAM:

THE HONOURABLE MR.JUSTICE **R.MAHADEVAN**

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WP (MD) No.5190 of 2019

K. Boominathan

... Petitioner

Vs.

The Management of
Tamil Nadu Transport Corporation (Kumbakonam) Ltd.,
Karur Region,
rep. by its General Manager,
Karur.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorari Mandamus calling for the records relating to the impugned order of the respondent passed in reference : TNSTC/Kumba/Karur/TS/5173/2018, dated 23.06.2018, quash the same and consequently, to direct the respondent to give the yearly increment to the petitioner for the year of 2018 from the due date and to pay him all consequential benefits by treating 05.04.2018 as his eligible leave day, award costs.

For Petitioner : Mr.S. Arunachalam

For Respondent : Mr.D. Sivaraman

ORDER

This writ petition has been filed to quash the impugned order of the respondent in reference No. TNSTC/ Kumba / Karur/Ts/5173/2018, dated 23.06.2018 and also to direct the respondent to give all consequential benefits by treating 05.04.2018 as his eligible leave.

2. The grievance of the petitioner is that the respondent treating the leave of the petitioner on 05.04.2018 as unauthorized leave, issued a charge memo to him and imposed punishment of postponement of increments. Challenging the same, the petitioner is before this Court.

3. The learned counsel appearing for the petitioner submits that despite the issuance of charge memo against the petitioner, the petitioner has filed no objection for the same, but, the same has not been considered so far.

4. On the other hand, the learned counsel for the respondent submitted that no such explanation was received by the respondent from the petitioner.



5. Considering the rival submissions made on either side, this Court is of the view that the impugned order was passed without providing sufficient opportunity to the petitioner and hence, the same has to be set aside.

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6. Accordingly, the impugned order is set aside and the matter is remitted back to the respondent for fresh consideration. The petitioner is permitted to file his objection to the impugned order along with a copy of this order to the respondent, within a period of two weeks from the date of receipt of a copy of the same and on such filing, the respondent is directed to consider the same and pass fresh orders, on merits and in accordance with law, within a period of four weeks thereafter.

7. This Writ Petition is disposed of, on the above terms. No costs.

Sd/-

Assistant Registrar (T & P)

// True Copy //

Sub Assistant Registrar (CS)

trp

To

The Management of
Tamil Nadu Transport Corporation (Kumbakonam) Ltd.,
Karur Region,
rep. by its General Manager,
Karur.

+1CC TO MR.D.SIVARAMAN, Advocate Sr. No.56992
+1CC TO MR.S.ARUNACHALAM , Advocate Sr. No. 56801

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GKG (CO)

TR (10.05.2019) 2P 4C