



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.09.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P. (MD)No.19676 of 2019

and

W.M.P. (MD)Nos.16142 and 16144 of 2019

WEB COPY

Durairaj

... Petitioner

-Vs-

The Managing Director,
Tamil Nadu State Transport Corporation,
Kumbakonam.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, to call for the records of the respondent in MP/DS/D4/101, dated 31.05.1990, and quash the same as illegal and arbitrary.

For Petitioner : Mr.P.Ganapathi Subramanian
For Respondent : Mr.D.Sivaraman,
Standing Counsel.

ORDER

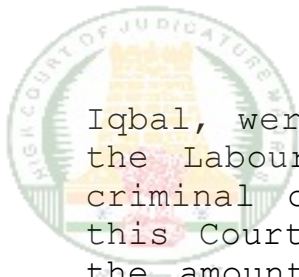
Heard Mr.P.Ganapathi Subramanian, learned counsel appearing on behalf of the petitioner and Mr.D.Sivaraman, learned Standing Counsel, who takes notice on behalf of the respondent.

2.By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

3.This Writ Petition is filed to quash the order of the respondent, dated 31.05.1990.

4.According to the petitioner, he was appointed as Apprentice Driver, by proceedings of the then Superintendent of Pandiyan Roadways, Madurai, dated 28.01.1982. He was transferred to Trichy Unit of Marudhu Pandiyar Transport on 04.07.1983 and subsequently, transferred to Body Building Unit of the respondent Corporation at Pudukkottai in the year 1983. While he was working in the respondent Corporation, an audit was conducted on 18.06.1988 and found deficiencies of the stock and materials. Based on the audit objections, he was placed under suspension on 25.07.1988 and after enquiry, he was dismissed from service on 31.05.1990, which is under challenge in the present Writ Petition.

5.The learned counsel appearing on behalf of the petitioner contended that no opportunity was given to the petitioner in the



Iqbal, were reinstated into service, based on the award passed by the Labour Court. The petitioner alone was discriminated. A criminal case registered against the petitioner, was quashed by this Court and the suit filed by the respondent for recovery of the amount was also dismissed. Therefore, the respondent ought not to have dismissed the petitioner, based on the audit objections and he prayed for allowing this Writ Petition.

6.From the materials on record, it is seen that the petitioner is challenging the order of dismissal, dated 31.05.1990, raising a ground that no opportunity was given to him in the domestic enquiry and other similarly placed employees, namely, Abdul Samad and Iqbal referred to by the petitioner raised Industrial Dispute and based on the award, they were reinstated into service. However, the petitioner is not a similarly placed person like other two persons. Therefore, the reasons given by the petitioner for quashing the order of dismissal, dated 31.05.1990, are not valid. Further, the Writ Petition is liable to be dismissed on the ground of delay and laches and the dispute regarding the question of facts cannot be decided in a Writ proceedings.

7.With the above observation, this Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar(CS)

Myr

To
The Managing Director,
Tamil Nadu State Transport Corporation,
Kumbakonam.

+1 CC to M/s.P.GANAPATHI SUBRAMANIAN, Advocate (SR-87218[F] dated 17/09/2019)

+1 CC to M/s.D.SIVARAMAN, Advocate (SR-86598[F] dated 13/09/2019)

W. P. (MD)No.19676 of 2019
13.09.2019