

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.10.2020

CORAM

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P. 21564 of 2005

A.Jeyachandran

... Petitioner

Versus

- 1.The State of Tamilnadu, represented by
The Secretary to the Government,
Transport Department,
Fort St.George, Chennai-600 009.
- 2.The Executive Director,
Government Transport Corporation,
Madurai Zone III, Madurai.
- 3.The General Manager,
Government Transport Corportion,
Madurai Zone III, Nagarcoil.
- 4.The Branch Manger, Government
Transport Corporation Madurai III,
Rani Thottam, Kanyakumari District. ... Respondents

PRAYER: Writ petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari, to call for the records in Order No.Nil dated 7.5.2005 (served on 26.5.2005) on the file of the first respondent and to quash the same.

For Petitioner : Mr.R.Selvakumar
For R1 : Mr.P.Chinnadurai
Additional Government Pleader
For R2 to R4 : Mr.C.S.K. Sathish
Standing counsel.

O R D E R

This Writ Petition has been filed challenging the order passed by the first respondent dated 7.5.2005 and to quash the same.

2. The learned counsel appearing for the petitioner would submit that the impugned order itself was prepared by the disciplinary authority who is also a punishing authority and the same was signed by the appellate authority, without application of mind and therefore the impugned order passed is against the principles of natural justice. Hence, the learned counsel for the petitioner prays to set aside the impugned order.

3. Heard both sides and perused the material available on record.

4. A perusal of the impugned order would go to show that in the order prepared by the third respondent, the first respondent has simply signed without applying his mind. Therefore, under these circumstances, the impugned order dated 7.5.2005 is liable to be set aside and accordingly the same is set aside. The first respondent is directed to give opportunity of hearing to the petitioner and thereafter the first respondent is directed to pass a fresh order on merits and in accordance with law, within a period of three months from the date of receipt of a copy of this order.

5. In the result, this Writ Petition is Allowed with the above direction. No costs.

Sd/-

Assistant Registrar(co)

//True Copy//

Sub Assistant Registrar

mpa/arr

To

1. The Secretary to the Government,
Transport Department,
Fort St. George, Chennai-600 009.

2. The Executive Director,
Government Transport Corporation,
Madurai Zone III, Madurai.

3. The General Manager,
Government Transport Corporation,
Madurai Zone III, Nagarcoil.

4. The Branch Manager, Government
Transport Corporation Madurai III,
Rani Thottam, Kanyakumari District.

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A.SK(14/10/2020)