



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.08.2021

CORAM

THE HON'BLE MR.JUSTICE M.SUNDAR

W.P.NO.17803 OF 2008

A.Duraisamy

... Petitioner

-Vs.-

The General Manager,
Tamil Nadu State Transport
Corporation (Coimbatore) Ltd.,
37, Mettupalayam Road,
Coimbatore.

... Respondent

PRAYER:-

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records relating to the order No.1/G5/ACC-1/121/TNSTC/08 dated 03.06.2008 passed by the respondent, quash the same.

For Petitioner : Mr.V.Ajoy Khose

For Respondent : Mr.M.Arun
For Mr.A.Sundaravadhanan

O R D E R

Mr.V.Ajoy Khose, learned counsel for lone writ petitioner and Mr.M.Arun, learned counsel representing Mr.A.Sundaravadhanan, Standing counsel for 'Tamil Nadu State Transport Corporation (Coimbatore) Limited, Coimbatore' ['TNSTC, CBE' for the sake of brevity] are before this virtual Court.

2. Captioned main writ petition itself is taken up and disposed of with the consent of learned counsel on both sides owing to the trajectory the matter has taken.

3. Captioned writ petition has been filed assailing a 'charge memo dated 03.06.2008 bearing reference 1/G5/ACC-1/121/TNSTC/08' [hereinafter 'impugned charge memo' for the sake of convenience and clarity]. Pending impugned charge memo, as



there was no interim order, respondent-Management proceeded with disciplinary proceedings and this Court is informed by learned counsel for respondent [without any dispute or disagreement] that disciplinary proceedings has culminated in a punishment. This Court is also informed that writ petitioner has since retired from service.

4. In the aforesaid backdrop, learned counsel for writ petitioner submits that it would serve the purpose if the rights of writ petitioner to assail the order of punishment in a manner known to law is preserved as the respondent-Management has proceeded with the disciplinary proceedings and inflicted punishment. Learned counsel submits that if this right of the writ petitioner is preserved, writ petition can be disposed of.

5. In the light of the narrative thus far, captioned writ petition is disposed of as closed, preserving the rights of writ petitioner [leaving open all questions and contentions] to assail the order of punishment made by the respondent if so advised and if the need arises, which is culmination of impugned charge memo. Though obvious, for the purpose of clarity, it is set out that if so advised and if the punishment is assailed, the same shall be dealt with by Court/authority concerned on its own merits and in accordance with law.

6. Writ Petition disposed of as closed preserving the rights of both sides in the aforesaid manner. There shall be no order as to costs.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

kmi

To

The General Manager,
Tamil Nadu State Transport
Corporation (Coimbatore) Ltd.,
37, Mettupalayam Road,
Coimbatore.

+1cc to Mr.V.Ajoy Khose, Advocate, S.R.No.37261

W.P.NO.17803 OF 2008

SSV(CO)
PBS/25/08/2021