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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 16.09.2021

CORAM

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

AND

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

W.A.No.2347 of 2021

V.Gajapathy

.. Appellant / Petitioner

Vs.

1.The General Manager/Administration,
State Express Transport Corporation,
Thiruvalluvar Illam,
Pallavan Salai,
Chennai - 600 002.

2.The Managing Director,
State Express Transport Corporation,
Thiruvallurvar Illam,
Pallavan Salai,
Chennai - 600 002.

.. Respondents / Respondents

PRAYER: Writ Appeal is filed under Clause 15 of Letters Patent, to set aside the order passed in W.P.No.2724 of 2021 dated 09.02.2021 to issue a Writ of Certiorarified Mandamus or any other appropriate Writ or Order or Direction in the nature of a Writ, Calling for the records of the 1st respondent in connection with the impugned order passed by him in order No.122/04947/ TLS/ SETC/2007 dated 19/08/2008 and confirmed by the 2nd respondent in letter No.347868/TLS/S.E.T.C/2020 dated 11/11/2020 and quash the same and direct the respondents to reinstate the petitioner into service and grant him all retirement and pensionary benefits within a reasonable time.



For Appellant : Mr.M.Muthappan

For Respondents : Mr.T.N.C.Kaushik,
Government Counsel

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JUDGMENT

(Judgment of the Court was made by K.KALYANASUNDARAM, J)

This writ appeal is directed against the order passed by the learned Single Judge in W.P.No.2724 of 2021 dated 09.02.2021, wherein, the writ petition filed by the appellant to quash the order of the respondents was dismissed.

2.The petitioner entered into service of the respondent Corporation in the year 1988 and his service was regularized with effect from 01.11.1989. However, he was found absent from 06.08.2006, for which, he was issued with a charge memo. After enquiry and after following due procedure, a punishment of removal from service was imposed.

3.It is not in dispute that the order of removal was not challenged by the appellant before the Labour Court. After lapse of 10 years, he preferred an appeal and the appeal was dismissed confirming the order of the first respondent.

4.The learned counsel appearing for the appellant Mr.M.Muthappan would state that the appellant had already served in the respondent Corporation more than 10 years and the order of removal was issued only on the ground of unauthorized absent and hence, the major punishment of removal from service cannot be sustained.

5.We are unable to agree with the submission of the learned counsel for the appellant for the reason that the order of removal from service dated 19.08.2008 was not questioned by the appellant before the appropriate forum. It is also seen that after lapse of 10 years, he preferred an appeal before the second respondent and the same was rejected.

6.Considering all these aspects and also taking note of the fact that there was no procedural violation in the order of the learned Single Judge confirming the order of the second



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respondent, therefore, we do not find good reason to interfere with the order of the learned Singe Judge. Hence, the order of the writ Court in W.P.No.2724 of 2021 dated 09.02.2021 is confirmed and the writ appeal is dismissed. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

skn

To:

1.The General Manager/Administration,
State Express Transport Corporation,
Thiruvalluvar Illam,
Pallavan Salai,
Chennai - 600 002.

2.The Managing Director,
State Express Transport Corporation,
Thiruvallurvar Illam,
Pallavan Salai,
Chennai - 600 002.

+1cc to Mr.M.Muthappan, Advocate, S.R.No.47084

W.A.No.2347 of 2021

CP(CO)
SB(22/10/2021)