



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD) No.2681 of 2021

and W.M.P. (MD) .No.2212 of 2021

WEB COPY

S.Ganeshkumar

...Petitioner

Vs.

1.Tamil Nadu State Transport Corporation,
(Tirunelveli) Ltd.,
Rep. by its Managing Director,
Tirunelveli District.

2.The General Manager,
Tamil Nadu State Transport Corporation,
(Tirunelveli) Ltd., Nagercoil,
Kanniyakumari District - 629 702.

3.The Branch Manager,
Tamil Nadu State Transport Corporation,
(Tirunelveli) Ltd.,
Kanyakumari Branch,
Kanniyakumari District - 629 702.

4.The Branch Manager,
Tamil Nadu State Corporation (Tirunelveli) Ltd.,
Tiruvattaru Branch,
Kanniyakumari District - 629 177.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records on the file of the 2nd respondent pertaining to its Order No.2099/Legal - 05/Order/TNSTC on 30.10.2020 and to quash the same and consequently, direct the respondents to provide the petitioner's alternative employment on permanent basis with pay protection continuity of service in terms of Section 47(1) of Persons with Disabilities (Equal Opportunities, Protection of Rights and Full participation) Act, 1995.

For Petitioner : Ms.S.Esairani Narasimman

For Respondents : Mr.R.Rajamohan
Standing Counsel

O R D E R

Heard Ms.Esairani Narasimman, learned counsel for the petitioner and Mr.R.Rajamohan, learned Standing Counsel, appearing for the respondents.

<https://hcservices.mca.gov.in/hcservices/>



2.The scope of exercise of power under Article 226 of the Constitution of India for interference in a writ petition, challenging the charge memo, is very limited to the extent that when the charges are mulcted with malafides or in violation of any statutory provisions or the incompetency of the authority, who passed the same is questioned.

3.The charges levelled against the petitioner herein is for his unauthorised absence. The grounds raised in the writ petition is only an explanation for his unauthorised absence. This Court is of the view that such explanations can be given, during the course of enquiry.

4.Insofar as the second portion of the prayer is concerned, the petitioner had earlier filed a writ petition in W.P.(MD). No.13515 of 2020. The learned Standing Counsel for the respondents submitted that pending the writ petition, the petitioner's request for providing alternative employment on permanent basis under the provisions of the Persons with Disabilities Act, has been rejected on 30.10.2020. It is also stated that the said rejection order has been served on the petitioner. If at all, the petitioner is aggrieved against the rejection order, it is always open to him to challenge the same. However, when the earlier writ petition for the same prayer is pending, this Court may not be entitled to entertain a similar prayer again.

5.This apart, it is seen that both the prayers in the writ petitions arise out of two different cause of action and the petitioner is not entitled to agitate two causes of action in one writ petition. On this ground also, this writ petition is liable to be dismissed.

6.For the foregoing reasons, I do not find any merits in this writ petition. Accordingly, this writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)



NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

+1 CC to Mr.R.RAJMOHAN, Advocate (SR-4845[F]
dated 12/02/2021)

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12.02.2021

KM (25.02.2021) 3P 2C