



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.07.2021

CORAM :

WEB COPY

THE HON'BLE MR.SANJIB BANERJEE, THE CHIEF JUSTICE

AND

The HON'BLE MR.JUSTICE T.S.SIVAGNANAM

W.A.(MD) No.1088 of 2021

P.Ravichandran

.. Appellant/Writ Petitioner

Vs

1.The General Manager

Tamil Nadu State Transport Corporation
Kumbakonam Ltd.,
Kumbakonam,
Tanjore District.

2.The Assistant Manager

(Disciplinary Proceedings)

Tamil Nadu State Transport Corporation
Kumbakonam Ltd.,
Pudukottai Region,
Pudukottai District.

3.The Enquiry Officer

Tamil Nadu State Transport Corporation
Kumbakonam Ltd.,
Pudukottai Region,
Pudukottai District.

... Respondents/Respondents

PRAYER: Appeal under Clause 15 of the Letters Patent Act, against the order dated 27.11.2020, passed in W.P.(MD).No.8851 of 2015

For Appellant : Mr.J. Barathan

For Respondents : Mr.D.Sivaraman,

Standing Counsel for TNSTC

Prayer in WP(MD) . 8851/ 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Certiorari call for the enquiry report passed by the 3rd respondent in enquiry no.T3/340 dated 26.6.2014 and the order of punishment passed by the 2nd respondent in proceeding No.TaAaPoKa/Kumba/Pudhu/Ts/T3/340 dated 31.3.2015 and quash the same as illegal.



JUDGMENT

[Judgment of the Court was delivered by **T.S.SIVAGNANAM, J.**]

The appellant is the writ petitioner who challenged an order of punishment dated 31.03.2015 passed by the respondent Transport Corporation for having caused a fatal accident. Learned Single Bench, by the order impugned, dismissed the writ petition holding that the petitioner has to approach the Labour Court as the alternative remedy is an effective remedy.

2. We find that learned Single Bench has referred to an earlier decision in W.P.(MD) No.10416 of 2009, which may not be of much relevance to the case on hand. Admittedly, disputed question of facts are involved and whether the order of punishment was justified or not needs to be adjudicated, which cannot be done in a summary proceedings based on affidavits in a petition under Article 226 of the Constitution. Therefore, to that extent, we agree with the findings of learned Single Bench in directing the appellant to approach the Labour Court.

3. Accordingly, we dispose of this appeal by giving liberty to the appellant to approach the concerned Labour Court and if the appellant does so within a month from the date of receipt of a copy of this judgment and order, the respondent Transport Corporation shall not raise the ground of limitation that the claim petition has been filed belatedly.

4. W.A.No.1088 of 2021 disposed of. There will be no order as to costs.

Sd/-

Assistant Registrar (P&A)

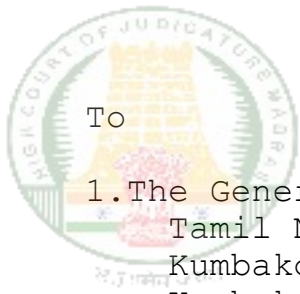
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/ /2021

Sub Assistant Registrar(CS)

MNR

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.



To

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+1 CC to M/s.T.R.JEYAPALAM, Advocate (SR-24847[F] dated
02/08/2021)

+1 CC to M/s.D.SIVARAMAN, Advocate (SR-24808[F] dated 30/07/2021)

W.A.(MD) No.1088 of 2021
30.07.2021

NA (CO)
LR (06.08.2021) 3P 6C