



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.08.2021

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THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P(MD)No.13758 of 2021

and

W.M.P(MD)No.10708 of 2021

WEB COPY

G.Giridharan

... Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Transport Corporation,
(Kumbakonam) Limited,
Kumbakonam, Thanjavur District.

2.The General Manager,
Tamil Nadu State Transport Corporation,
(Kumbakonam) Limited,
Kumbakonam Branch,
Thanjavur District.

3.Nalini

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records pertaining to the impugned proceedings issued by the third respondent in is proceedings in TNSTC/KUM/DS-2280/DCCO55/D10-216/2021, dated 01.04.2021 and by the proceedings of the first respondent in TNSTC/KUM/DS-2280/DCCO55/D10-216/2021, dated 21.06.2021 and quash the same.

For Petitioner : Mr.C.Jeganathan

For Respondents : Mr.D.Sivaraman
Standing Counsel for R1 and R2.

ORDER

Mr.D.Sivaraman, learned Standing Counsel takes notice for respondents 1 and 2.

2. The petitioner has challenged the impugned order passed by the appellate authority on the ground that the said order has been passed without assigning any reason. It is the case of the petitioner that he has submitted a detailed explanation for the allegations made by the respondents Corporation for the charge memo. However, the third respondent without considering the said explanation has passed an order on 01.04.2021. Challenging the said order, the petitioner has filed an appeal before the first respondent, who is the appellate authority. Though the petitioner



has raised several grounds in the appeal, the first respondent without discussing the same, passed an order on 21.06.2021. Therefore, the same is liable to be quashed.

3. On a perusal of the said impugned order passed by the appellate authority, it is seen that the grounds raised by the petitioner in appeal has not been considered by the first respondent while rejecting the appeal. The aforesaid order passed by the appellate authority is a cryptic and a non-speaking order. In similar circumstances, this Court has considered this issue in detail and passed an order in W.P.No.8661 of 2013 [T.Sakthivel Vs. Superintendent of Police, Coimbatore], dated 03.02.2020 and held that a cryptic and a non-speaking order shall not be passed by the appellate authority.

4. The learned Standing Counsel appearing for respondents 1 and 2 had not disputed the said fact and in the event of this Court has decided to dispose of the writ petition, liberty may be granted to the respondent Corporation to consider the petitioner's appeal afresh and pass a reasoned order by the appellate authority.

5. Considering the submissions made by both sides, this Court is inclined to set aside the impugned orders and remit the matter to the first respondent for fresh consideration. Accordingly, this Writ Petition is allowed and the impugned orders are set aside and the matter is remitted back to the first respondent for fresh consideration. The first respondent is directed to pass a reasoned order following the decision of this Court in W.P.No.8661 of 2013, dated 03.02.2020, as expeditiously as possible, preferably within a period of eight weeks from the date of receipt of a copy of this order. It is needless to say, the first respondent shall pass a reasoned order by considering the grounds raised by the petitioner in his appeal. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

vsm

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.

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



To

1.The Managing Director,
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(Kumbakonam) Limited,
Kumbakonam, Thanjavur District.

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+1 CC to M/s.D.SIVARAMAN, Advocate (SR-25670[F] dated 09/08/2021)

W.P (MD) No.13758 of 2021
09.08.2021

RK (06.09.2021) 3P 4C