



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.02.2021

CORAM:

THE HONOURABLE **MR. JUSTICE M. DHANDAPANI**

W.P. (MD) No.16806 of 2016

C.Stalin

... Petitioner

Vs.

1.The Management of
Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
Trichy Region,
Rep by its Deputy Manager
(Disciplinary Action)
Trichy.

2.Sekar,
Deputy Manager (Disciplinary Action)
Tamil Nadu State Transport Corporation
(Kumbakonam) Ltd.,
Trichy Region,
Trichy.

... Respondents

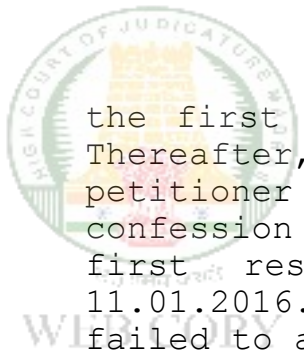
Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records from the 1st respondent relating to the enquiry notice dated 19.08.2016 in Ref.TNSTC/Kumba/Trichy/T1/3005/2016, quash the same and consequently, to direct the 1st respondent to wait for the outcome of the criminal case No.885/2015 registered at Trichy Cantonment Police Station before proceeding with the disciplinary proceedings against the petitioner based on the charge memo dated 13.01.2016 issued in Ref.TNSTC/Kumba/Trichy/T1/3005/2016.

For Petitioner : Mr.S.Arunachalam

O R D E R

This writ petition is filed by the petitioner to call for the records from the 1st respondent relating to the enquiry notice dated 19.08.2016 in Ref.TNSTC/Kumba/Trichy/T1/3005/2016, quash the same and consequently, to direct the first respondent to wait for the outcome of the criminal case No.885/2015 registered at Trichy Cantonment Police Station before proceeding with the disciplinary proceedings against the petitioner based on the charge memo dated 13.01.2016 issued in Ref.TNSTC/Kumba/Trichy/T1/3005/2016.

2.The case of the petitioner is that while his father was working as Security Guard in the first respondent Corporation, he died in harness. Therefore, the petitioner was given compassionate appointment and appointed as Helper(Non-Technical) in the first respondent Corporation from 04.11.2009. While so, based on the complaint given by the General Manager of the first respondent, a criminal case has been registered against the petitioner in Crime No.885 of 2015 by the Trichy Cantonment Police Station on the allegation that he has forged the appointment orders as if issued by



the first respondent Corporation were made and given two persons. Thereafter, the petitioner was arrested and released on bail. The petitioner was implicated in the criminal case, only based on the confession given by one Selvam @ Velmurugan. In the meanwhile, the first respondent suspended the petitioner from service on 11.01.2016. Though domestic enquiry was conducted, the petitioner failed to attend the enquiry, since no notice was served to him. The petitioner has received an enquiry notice on 02.05.2016. Without issuing a charge memo, the petitioner could not participate in the enquiry. In this regard, the Superintendent instructed the petitioner to give a requesting letter. As instructed by the Superintendent, the petitioner gave a letter dated 02.05.2016. Hence, the petitioner was served with a charge memo, dated 11.01.2016 along with two documents. Thereafter, the petitioner sent a letter, dated 07.5.2016 to the first respondent requesting to give an opportunity to furnish his explanation, after supplying the documents relating to the charge memo. Pursuant to which, the first respondent sent a reply that already supplied the documents along with charge memo and directed the petitioner to give his explanation within three days. The petitioner had submitted his explanation. Thereafter, the first respondent sent the impugned notice, dated 19.08.2016, stating that the enquiry is scheduled to be held on 07.09.2016 and directing him to participate the same, if he failed to participate, the enquiry will be held ex-parte. Challenging the same, the present Writ Petition is filed.

3.The learned counsel appearing for the petitioner submitted that this Court may issue a direction to the respondents to supply the documents relating to the charge memo during the enquiry, within the stipulated time as fixed by this Court.

4.The facts in the present case are not in dispute. Admittedly, the petitioner filed the present writ petition challenging the enquiry notice, dated 19.08.2016. Without challenging the charge memo, the petitioner has filed the present writ petition challenging the enquiry notice, which is unsustainable one. Hence, this Writ Petition is dismissed. No costs. However, the grievance of the petitioner that he is entitled to get the documents which are relied by the Management. It is needless to say that the petitioner is entitled to get those documents. If any request is made, the Enquiry Officer shall consider the same and pass appropriate orders in accordance with law. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (P&A)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



- 1.The Principal Secretary,
Department of School Education,
Fort St. George, Chennai - 600 009.
- 2.The Director of School Education,
D.P.I Campus, College Road,
Nungambakkam,
Chennai - 600 006.
- 3.The Chief Educational Officer,
Tirunelveli.
- 4.The District Educational Officer,
Tirunelveli.
- 5.The Headmaster,
Government Higher Secondary School,
Thirumalapuram,
Sankarankovil Taluk,
Tirunelveli District.

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