



WEB COPY

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 24.01.2022

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.4010 of 2015  
and  
M.P.No.1 of 2015

K.Ravichandran

...Petitioner

Vs

1.The Managing Director,  
Tamilnadu Government Transport  
Corporation (Salem) Ltd.,  
Dharmapuri Region.

2.The General Manager,  
Tamilnadu Government Transport  
Corporation (Salem) Ltd.,  
Dharmapuri Region.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the records of the order No.17/0561/T6/Tha TNGTC/2013 dated 25.12.2014 on the file of 1<sup>st</sup> respondent confirming the order in No.17/561/T6/Tha TNGTC/2014 dated 15.09.2014 on the file of the 2<sup>nd</sup> respondent and quash the same.

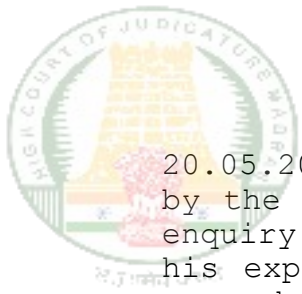
For Petitioner : Mr.M.S.Palaniswamy

For Respondents: Mr.A.Sundaravadhanan

ORDER

With the consent of both the parties, this writ petition is taken up for final disposal.

2. On an alleged charge of having caused a road accident due to the negligence of the petitioner Driver, a charge memo was issued on 06.02.2014 by the second respondent, who is the General Manager of the respondent Corporation. Pursuant to the framing of charges, the General Manager had himself issued the enquiry notices to the petitioner on 26.03.2014, 18.04.2014 and



20.05.2014. On 19.07.2014, a second show cause notice was issued by the second respondent, wherein there was no reference to the enquiry report. However, even though the petitioner had given his explanation on 05.09.2014, the second respondent had passed an order on 15.09.2014, imposing the punishment of stoppage of increment with cumulative effect for a period of two years. The revision filed against the punishment before the first respondent was also rejected on 25.12.2014. Aggrieved against the original order of punishment as well as the order in revision, the petitioner has filed the present writ petition.

3. The petitioner is entitled to succeed in the present writ petition on two main grounds. Firstly, the second respondent had no jurisdiction to issue the enquiry notices, particularly when he had issued the charge memo on 06.02.2014. It is a settled proposition of law that no person can be a Judge of his own cause. Secondly, in the order of punishment dated 15.09.2014, there is absolutely no discussion with regard to how the Disciplinary Authority had accepted the findings of the Enquiry Officer. So also, the order passed in the revision by the first respondent on 25.12.2014 is a single line order confirming the punishment. Both these orders dated 15.09.2014 and 25.12.2014 are apparently non-speaking orders. On this ground also, the impugned orders cannot be sustained. However, if the respondents are granted liberty to proceed afresh, in continuation of the charges framed by them on 06.02.2014, if they choose to do so, the ends of justice could be secured.

4. In the light of the above observations, the impugned order dated 25.12.2014 passed by the first respondent, as well as the order dated 15.09.2014 passed by the second respondent, are quashed. In case the respondents intend to proceed against the petitioner, liberty is hereby granted to the second respondent to proceed from the stage of issuance of charge memo dated 06.02.2014 and extend due opportunity to the petitioner during the course of the departmental action.

5. The Writ Petition stands allowed, accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-  
Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar

hvk



To

1.The Managing Director,  
Tamilnadu Government Transport  
Corporation (Salem) Ltd.,  
Dharmapuri Region.

2.The General Manager,  
Tamilnadu Government Transport  
Corporation (Salem) Ltd.,  
Dharmapuri Region.

+1cc M/r.M.S.Palaniswamy, Advocate, SR.No.4121(14/12/2022)

W.P.No.4010 of 2015  
and  
M.P.No.1 of 2015

PCH(CO)  
SB(07/02/2022)