



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.10490 of 2022

and

W.M.P.No.10180 of 2022

K.Aruchamy

...Petitioner

Vs.

1. Tamil Nadu State Transport Corporation (Coimbatore) Ltd.,
Rep. by its Managing Director,
37, Mettupalayam Road,
Coimbatore - 641 043.
2. The General Manager,
Tamil Nadu State Transport Corporation (Coimbatore) Ltd.,
Coimbatore Region,
37, Mettupalayam Road,
Coimbatore - 641 043.
3. The Branch Manager,
Tamil Nadu State Transport Corporation (Coimbatore) Ltd.,
Uppilipalayam Branch,
Coimbatore - 641 018.

...Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Certiorarified Mandamus, by the call for records pertaining to the show cause notices for dismissal dated 04.04.2022 and 13.04.2022 vide.1/Ji8Eea/161/TNSTC/2021 issued by the second respondent and quash the same and subsequently direct the 2nd respondent to defer the decision on the charge memo dated 18.01.2021 vide.1/Ji8Eea/161/TNSTC/2021, till the disposal of the petitioner's Writ Petition in W.P.No.25231 of 2021 by this Court.



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For Petitioner : Mr.A.Suresh Sakthi Murugan

For R1 : Mrs.S.Anitha
Special Government Pleader

For R2 & 3 : Mr.A.Sundaravadhanan
Standing Counsel

ORDER

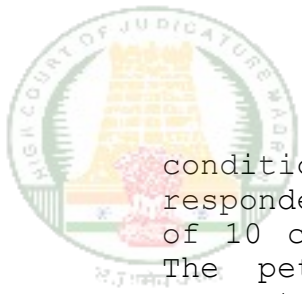
By consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.

2. The case of the petitioner in brief:

The petitioner joined as Conductor with the respondent Corporation. He underwent heart surgery in the year 2018 and light duty was assigned to him for 8 months. Later, it was denied. Challenging the same, the petitioner filed W.P No.25231 of 2021 and this Court referred the petitioner to the medical board's examination. The Medical Board opined about the permanent nature of the health issue and recommended light duty. On repeated representations, light-duty was assigned from 08.09.2020 to 31.12.2020. From 01.01.2021, light duty was denied and the petitioner could not attend the duty. On 18.01.2021, a charge memo was issued for 10 days of unauthorised absence. The petitioner filed a writ petition seeking light duty and for regularization of the unauthorized absence and notice was ordered to the respondent Corporation. In the meanwhile, domestic enquiry was conducted without affording a proper opportunity to the petitioner and two show cause notices dated 04.04.2022 and 13.04.2022 for dismissal were given without considering his explanation. Challenging the aforesaid show cause notices, the petitioner filed this instant writ petition before this Court.

3.Mrs.S.Anitha, learned Special Government Pleader takes notice for the 1st respondent and Mr.A.Sundaravadhanam, learned Standing Counsel takes notice for the respondents 2 and 3.

4.The petitioner in his affidavit stated that while he was working as Conductor in the respondent Corporation, he underwent heart surgery and therefore, based on the medical records, the respondent Corporation has given him the light-duty of traffic controller and collection section for 8 months. Thereafter, he was compelled to do a conductor job and transferred to various branches. Due to his heavy duty assignment, his health condition was affected and he was admitted in the hospital on 12.07.2019. Even thereafter, the respondent Corporation has not assigned light duty to the petitioner. Hence, the petitioner made continuous representations seeking light duty due to his health



condition. Without considering the said request, the 2nd respondent issued a charge memo dated 18.01.2021 for the absence of 10 consecutive days from 01.01.2021 without obtaining leave. The petitioner has submitted his explanation on 25.01.2021 requesting the 2nd respondent to withdraw the charge memo and to assign the light duty. But, the steps taken by the petitioner was ended in vain. The respondent Corporation has proceeded with the enquiry and based on the enquiry report, a memo was served to the petitioner on 17.02.2022 along with the enquiry report and the petitioner has submitted his explanation on 24.02.2022. Again, the 2nd respondent has sent a communication on 04.03.2022 to the petitioner intimating that if he get the valid conductor license through renewal, he can save his employment. The petitioner sent a detailed reply to the aforesaid communication. Thereafter, the 2nd respondent has served two show cause notices dated 04.04.2022 and 13.04.2022 to the petitioner for dismissal without appreciating his explanation and granted 30 days time to give a proper reply to the second show cause notice.

5.The learned Special Government Pleader appearing for the 1st respondent would submit that so far, no final order has been passed by the respondent Corporation.

6.The learned counsel appearing for the petitioner made a request before this Court to grant two weeks time to submit his explanation.

7.Accepting the said request made by the learned counsel for the petitioner, if any final order has not been passed, the petitioner is granted two weeks time to submit his explanation for the impugned show cause notice dated 13.04.2022, from the date of receipt of a copy of this order.

8.With the above observation, this Writ Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

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To

1. The Managing Director,
Tamil Nadu State Transport Corporation (Coimbatore) Ltd.,
37, Mettupalayam Road,
Coimbatore - 641 043.

2. The General Manager,
Tamil Nadu State Transport Corporation (Coimbatore) Ltd.,
Coimbatore Region,
37, Mettupalayam Road,
Coimbatore - 641 043.

3. The Branch Manager,
Tamil Nadu State Transport Corporation (Coimbatore) Ltd.,
Uppilipalayam Branch,
Coimbatore - 641 018.

+1cc to Mr.A.Suresh Sakthimurugan, Advocate, S.R.No.28454

+1cc to Mr.A.Sundaravadhanan, Respondents 2&3,
Advocate, S.R.No.28493

+1cc to the Government Pleader, S.R.No.29141

W.P.No.10490 of 2022
and
W.M.P No.10180 of 2022

NRL (CO)
RGA (28/04/2022)