



W.P.No.31140 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 22.11.2022

Coram:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.No.31140 of 2022

and

W.M.P.Nos.30573, 30574, 30575 and 30577 of 2022

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M.Balasubramanian

.. Petitioner

Vs.

1. The Chairman and Managing Director,
Tamil Nadu Arasu State Transport Corporation
(Coimbatore) Limited,
Coimbatore Division,
37, Mettupalayam Road,
Coimbatore-641 043.

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

3. The Assistant Manager (Legal 2),
Tamil Nadu Arasu State Transport Corporation
(Coimbatore) Limited,
Coimbatore Division,
37, Mettupalayam Road,
Coimbatore-641 043.

4. The Inquiry Officer,

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Tamil Nadu Arasu State Transport Corporation
(Coimbatore) Limited,
Coimbatore Division,
37, Mettupalayam Road,
Coimbatore-641 043.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus to call for the records relating to the impugned charge memorandum bearing No.1/G8A/3834/Tamil Nadu Arasu State Transport Corporation (Coimbatore)/2019, dated 08.10.2019 issued by the second respondent herein, namely the General Manager, countersigned by the Assistant Manager (Legal 2), Tamil Nadu Arasu State Transport Corporation (Coimbatore) Limited, Coimbatore Division, 37, Mettupalayam Road, Coimbatore-641 043, quash the same as non-est in the eye of law and to issue consequential direction to the first respondent herein to treat the period from 14.02.2014 to 09.09.2019 as one of duty for all purposes with full pay and allowances within a time-frame that may be stipulated by this Court.

For petitioner : Mr.K.S.Govinda Prasad

For respondents: Mr.A.Sundaravadhanam, Standing Counsel

ORDER

This Writ Petition has been filed challenging the charge memo, dated 08.10.2019 issued to the petitioner by the second respondent.

2. The only ground raised by the petitioner is that his request for retiring



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on Voluntary Retirement basis (VRS) is the subject matter of W.P.No.11054 of 2020, which is still pending before this Court, wherein the petitioner has challenged the order passed by the respondents rejecting his request for VRS.

3. Admittedly, in the instant case, pursuant to the issuance of the impugned charge memo, Inquiry Officer was appointed and the petitioner has also received notice in respect of the said enquiry proceedings. At this stage, when the enquiry has already commenced, the question of interfering with the impugned charge memo does not arise.

4. The only limited relief that can be granted to the petitioner is to direct the respondents to complete and conclude the enquiry proceedings and pass final orders within a time frame to be fixed by this Court. This Court cannot stall the enquiry proceedings and cannot prevent the respondents to pass final orders just because the said writ petition in W.P.No.11054 of 2020, is pending on the file of this Court, wherein the petitioner has challenged the order passed by the respondents rejecting his request for VRS. The reason given by the petitioner for challenging the impugned charge memo is that his request for VRS is under consideration in W.P.No.11054 of 2020, which is unsustainable.



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5. For the foregoing reasons, this Writ Petition is disposed of, by directing the respondents to conclude the enquiry proceedings pending against the petitioner and pass final orders thereafter within a period of three months from the date of receipt of a copy of this order.

6. Liberty is granted to the petitioner that in case any adverse order is passed against the petitioner by the disciplinary authority, he can challenge the same in the manner known to the petitioner under law.

7. There shall be no order as to costs. The Miscellaneous Petitions are closed.

22.11.2022

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To

1. The Chairman and Managing Director,
Tamil Nadu Arasu State Transport Corporation
(Coimbatore) Limited,
Coimbatore Division,
37, Mettupalayam Road,
Coimbatore-641 043.
2. The General Manager,
Tamil Nadu Arasu State Transport Corporation
(Coimbatore) Limited,
Coimbatore Division,
37, Mettupalayam Road,

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Coimbatore-641 043.

3. The Assistant Manager (Legal 2),
Tamil Nadu Arasu State Transport Corporation
(Coimbatore) Limited,
Coimbatore Division,
37, Mettupalayam Road,
Coimbatore-641 043.
4. The Inquiry Officer,
Tamil Nadu Arasu State Transport Corporation
(Coimbatore) Limited,
Coimbatore Division,
37, Mettupalayam Road,
Coimbatore-641 043.



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ABDUL QUDDHOSE, J

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