



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.01.2022

CORAM:

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THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.733 of 2022
and W.M.P. (MD)No.577 of 2022

C.Prabhu

... Petitioner

versus

1. The Managing Director,
Tamil Nadu State Transport
Corporation (Kumbakonam) Ltd.,
Kumbakonam Head Office,
Kumbakonam Division,
Kumbakonam, Thanjavur District.
2. The General Manager,
Tamil Nadu State Transport
Corporation (Kumbakonam) Ltd.,
Trichy Zone,
Trichy District.
3. The Branch Manager,
Tamil Nadu State Transport
Corporation (Kumbakonam) Ltd.,
Thuraiyur Branch,
Thuraiyur, Trichy District.
4. The Branch Manager,
Tamil Nadu State Transport
Corporation (Kumbakonam) Ltd.,
Cantonment Branch,
Trichy, Trichy District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Certiorarified Mandamus, to call for the records in pursuant to the impugned Charge Memo dated 29.09.2021 issued by the second respondent and quash the same as illegal and consequently, direct the fourth respondent to allot any work to the petitioner in his office.

For Petitioner : Mr.S.T.Sasidharan Tamilkani

For Respondents : Mr.D.Sivaraman,
Standing Counsel



ORDER

This writ petition is filed challenging the charge memo dated 29.09.2021 issued by the second respondent.

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2. The petitioner was appointed as a Senior Driver in the third respondent office. While he was working as Senior Driver, due to his illness, he requested the third respondent to grant medical leave on 03.09.2021. The third respondent though refused to grant medical leave, granted him two days leave to take rest. Due to his illness, he could not attend the office after that and therefore, he applied for medical leave from 06.09.2021 to 05.10.2021 and submitted the leave form to the third respondent through his family member. However, the third respondent refused to accept the same. Thereafter, he was served with an order of transfer dated 21.09.2021 passed by the second respondent, transferring him from the third respondent office to the fourth respondent office. Subsequently, he was issued with a charge memo dated 29.09.2021. Challenging the charge memo dated 29.09.2021, the present writ petition is filed.

3. Though the writ petition is filed challenging the charge memo dated 29.09.2021, this Court is inclined to dispose of the writ petition at the admission stage itself with a direction to the respondents to conclude the departmental proceedings within a period of six months from the date of receipt of a copy of this order. Since the respondents have not placed the petitioner under suspension, the petitioner may be permitted to work in a suitable place pending the enquiry.

4. Accordingly, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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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.



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Tamil Nadu State Transport
Corporation (Kumbakonam) Ltd.,
Cantonment Branch,
Trichy, Trichy District.

+1 CC to M/s.S.T.SASIDHARAN TAMILKANI, Advocate (SR-1932[F] dated 20/01/2022)

+1 CC to M/s.D.SIVARAMAN, Advocate (SR-2113[F] dated 21/01/2022)

W.P (MD) No.733 of 2022
20.01.2022

RK(07/03/2022) 3P 7C