

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**DATED: 13.09.2022****CORAM****THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN****W.P.(MD)Nos.11194 & 11195 of 2022 and
W.M.P.(MD)Nos.7999, 8000 & 11237 of 2022**

R.Balaji,
S/o.Ramar,
Assistant Engineer, Staff No.31567,
The Tamil Nadu State Transport
Corporation (Madurai) Ltd.,
Virudhunagar Region,
Residing at:
5-18-48, Postal Colony,
Madurai Road, Palayampatti,
Aruppukottai,
Virudhunagar District.

... Petitioner
in both petitions

Vs.

1. The Mangement of Tamil Nadu State Transport
Corporation (Madurai) Ltd.,
Rep. by its Managing Director,
Madurai.
2. The General Manager,
Tamil Nadu State Transport
Corporation (Madurai) Ltd.,
Virudhunagar Region,
Virudhunagar.
3. The Branch Manager,
Tamil Nadu State Transport
Corporation (Madurai) Ltd.,
Aruppukottai Branch,
Aruppukottai.

4. Arumugam,
The Managing Director,
The Management of Tamil Nadu State Transport
Corporation (Madurai) Ltd.,
Madurai.

5. S.Nagaraj,
The Branch Manager,
The Tamil Nadu State Transport
Corporation (Madurai) Ltd.,
Aruppukottai Branch,
Aruppukottai.

... Respondents
in both petitions

Prayer in W.P.(MD)No.11194 of 2022 : Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records pertaining to the impugned charge memo passed by the second respondent in Ref. No.Legal/Sa1/1142/7B/2022 dated 21.05.2022 and quash the same.

Prayer in W.P.(MD)No.11195 of 2022 : Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records pertaining to the impugned order of suspension passed by the second respondent in Ref. No.Legal/Sa1/1142/7B/2022 dated 21.05.2022 and quash the same.

(in both W.Ps.)

For Petitioner : Mr.A.Rahul

For R-1 to R-3 : Mr.J.Senthil Kumaraiah,
Standing Counsel.

* * *

COMMON ORDER

The writ petitioner was employed as Assistant Engineer in the respondent transport corporation on 25.02.2022. When the writ petitioner was working at Aruppukkottai branch, he was informed that there was an unclaimed baggage in one of the buses. After making entry in the chitta notebook, the petitioner contacted the jurisdictional police and the police opened the baggage and based on the ATM card found inside the baggage, located the passenger. The baggage was also duly handed over to the said passenger. It received widespread appreciation and was also published in the media. But the petitioner's superiors did not take kindly to these developments. The petitioner was suspended from service and also issued with charge memo on 21.05.2022. According to the management, the petitioner ought to have informed his superior authority and erred in contacting the police on his own. Exception was also taken to the newspaper publication.

2. I am unable to understand the approach adopted by the management. The petitioner had acted with sufficient speed and alacrity. He had contacted the local police and ensured that the missing baggage was duly restored to the passenger. Instead of appreciating the act of the writ petitioner, the management has chosen to find fault.

3. The learned counsel appearing for the writ petitioner draws my attention to the decision reported in ***(1979) 2 SCC 286 (Union of India and Others V. J.Ahmed)***. The Hon'ble Supreme Court in the aforesaid decision had held that only if there is an ill-motive, it would amount to misconduct and a single act of omission or error of judgment would ordinarily not constitute misconduct though if such error or omission results in serious or atrocious consequences, the same may amount to misconduct. In this case, the consequences of the conduct of the writ petitioner were good and salutary. The management had absolutely no cause of action for suspending the writ petitioner or initiating the disciplinary proceedings. It is brought to my notice that the suspension order had been revoked. But the writ petition

filed for challenging the suspension order will not become infructuous. The impugned suspension order is bad in law.

4. In this view of the matter, the impugned suspension order as well as the impugned charge memo are quashed. The writ petitions stand allowed. No costs. Consequently, connected miscellaneous petitions are closed.

13.09.2022

Index : Yes / No

Internet : Yes/ No

PMU

To:

1. The Mangement of Tamil Nadu State Transport Corporation (Madurai) Ltd.,
Rep. by its Managing Director, Madurai.
2. The General Manager,
Tamil Nadu State Transport Corporation (Madurai) Ltd.,
Virudhunagar Region, Virudhunagar.
3. The Branch Manager,
Tamil Nadu State Transport Corporation (Madurai) Ltd.,
Aruppukottai Branch, Aruppukottai.

G.R.SWAMINATHAN,J.

PMU

W.P.(MD)Nos.11194 & 11195 of 2022

13.09.2022