



WP(MD)No.16126 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **25.07.2022**

CORAM:

THE HONOURABLE **MR.JUSTICE M.S.RAMESH**

W.P.(MD)No.16126 of 2022
and
W.M.P.(MD)Nos.11655 & 11657 of 2022

M.Mayakannan

... Petitioner

/vs./

1.The General Manager,
Tamil Nadu State Transport Corporation (Madurai) Ltd.,
Dindigul Region,
Dindigul.

2.The Branch Manager,
Tamil Nadu State Transport Corporation (Madurai) Ltd.,
Dindigul Branch - I,
Dindigul.

3.The Enquiry Officer,
Disciplinary Proceeding,
Tamil Nadu State Transport Corporation (Madurai) Ltd.,
Dindigul Region,
Dindigul.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, calling for the records pertaining to the Impugned enquiry report of the 3rd Respondent dated 25.03.2022 and the consequential



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impugned order passed by the 1st Respondent in Ref.LD1D1/1512 dated 28.06.2022 and quash the same as illegal.

For Petitioner : Mr.K.Arunraj
for Mr.Aswin Rajasimman
For Respondents : Mr.S.C.Herold Singh
Standing Counsel

ORDER

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

2.Pursuant to the proven charges, based on the charge memo, dated 24.01.2022, the first respondent herein had initially issued a show cause notice, dated 26.04.2022 calling for further explanation, to which the petitioner herein had given his explanation on 19.05.2022. Subsequently, on 28.06.2022, the disciplinary authority had issued another notice, proposing the punishment of dismissal from service, for which, they had called for the petitioner's explanation. The petitioner herein had also submitted his further explanation for the second time on 16.07.2022.



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3.The learned counsel for the petitioner submitted that since the second show cause notice proposes the punishment of dismissal from service, the disciplinary authority has already pre-determined the punishment and therefore, the disciplinary proceedings itself is vitiated.

4.I am not in agreement to the submissions made. Though the disciplinary authority may not have the jurisdiction to propose a punishment, at the stage when the charges are framed, he is well within his jurisdiction to propose the punishment and call for further explanation with such a proposal, when some or all the charges are held to be proved. There is no infirmity in such a procedure.

5.In this background, I am of the view that if the respondents are called upon to consider the petitioner's further explanation dated 16.07.2022 given by him, pursuant to the impugned show cause notice, dated 28.06.2022, within a stipulated time, the ends of justice could be secured.



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6. In the light of the above observations, the first respondent herein shall pass a final reasoned order, after due consideration of the petitioner's explanation dated 19.05.2022, as well as 16.07.2022, within a period of thirty (30) days from the date of receipt of a copy of this order. Accordingly, the Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

25.07.2022

Index : Yes / No

Internet : Yes / No

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TO:

- 1.The General Manager,
Tamil Nadu State Transport Corporation (Madurai) Ltd.,
Dindigul Region,
Dindigul.



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M.S.RAMESH, J.

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Order made in
W.P.(MD)No.16126 of 2022

Dated:
25.07.2022