

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.09.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.19362 of 2022

and

W.M.P(MD)Nos.14129 & 15458 of 2022

I.Rajesh

... Petitioner

Vs

1.The Managing Director,
Tamil Nadu State Transport Corporation (Tirunelveli) Division,
Kattapomman Nagar,
Tirunelveli-627 011.

2.The General Manager,
Tamil Nadu State Transport Corporation (Tirunelveli) Division,
Nagercoil Region,
Ranithottam, Nagercoil,
Kanyakumari District.

3.The Commissioner of Labour,
D.M.S. Compound,
Teynempet,
Chennai-600 006.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, forbearing the respondents 1 and 2 from conducting enquiry relating to charge memo No. 1042/Legal-03/Olungu/Tha.A.Po.Ka/Che.Ku/2021, dated 27.03.2021 unless

furnish the attested certified copy of Standing Order and Company Rules issued by the third respondent relating to the respondents 1 and 2 and consequently, direct the respondents 1 and 2 permit any one of the Office Bearer of TNSTC Kamaraj Nadar Trade Union during the course of enquiry to assist the petitioner.

For Petitioner : Mr.M.Dennis Joe

For Respondent : Mr.D.Jebaraj
Standing Counsel for R.1 & R.2

Mr.A.K.Manickam
Special Government Pleader for R.3

ORDER

Heard the learned counsel on either side.

2. The writ petitioner is employed as a Conductor in the respondent Corporation. He was issued with charge memo dated 27.03.2021. According to the petitioner, he has not been furnished with certified copy of the standing order and without furnishing the same enquiry should not be proceeded with.

3. The learned Standing Counsel submitted that the respondent is governed by Tamil Nadu State Transport Corporation, Tirunelveli. According to the learned Standing Counsel, the certified copy of the Standing orders have already been furnished.

4. The learned counsel for the petitioner would dispute the said assertion. According to him what were served on him are not really applicable. If that be so, this ground can be taken while mounting the challenge to the final order if it is adverse to the writ petitioner. The question of stopping the enquiry on this ground does not arise at all.

5. Leaving open the contentions of the petitioner, this writ petition is dismissed. Consequently, connected miscellaneous petitions are closed. No costs.

09.09.2022

Index : Yes / No
Internet : Yes/ No
mga

To

1.The Managing Director,
Tamil Nadu State Transport Corporation (Tirunelveli) Division,
Kattapomman Nagar,
Tirunelveli-627 011.

2.The General Manager,
Tamil Nadu State Transport Corporation (Tirunelveli) Division,
Nagercoil Region,
Ranithottam, Nagercoil,
Kanyakumari District.

G.R.SWAMINATHAN, J.

mga

3.The Commissioner of Labour,
D.M.S. Compound,
Teynempet,
Chennai-600 006.

W.P.(MD)No.19362 of 2022

09.09.2022