

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.09.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.21035 of 2022

and

W.M.P.(MD)Nos.15268 and 15269 of 2022

S.Marimuthu

... Petitioner

Vs

1.The Managing Director,
Tamil Nadu State Transport
Corporation (Kumbakonam) Ltd.,
Kumbakonam.

2.The General Manager,
Tamil Nadu State Transport
Corporation (Kumbakonam) Ltd.,
Trichy Region, Trichy.

3.The Branch Manager,
Tamil Nadu State Transport
Corporation (Kumbakonam) Ltd.,
Contonment Mofusal Branch, Trichy.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the entire record in connection with the Impugned Charge Memo in TNSTC/TRY/DS-521/ABSO 19/D4-3155/2022 dated 24.03.22 on the file of the

2nd respondent quash the same as illegal and consequently direct the Respondents to provide job to the petitioner as a Driver based on his representation dated 09.12.2021 within a time stipulated by this Court.

For Petitioner : Mr.D.Anbarasu

For Respondents : Mr.K.Jagadees Balan,
Standing Counsel.

ORDER

Heard the learned counsel on either side.

2.The petitioner is employed as a Driver in the respondent corporation. He questions the impugned charge memo for the reasons set out in the affidavit filed in support of the writ petition.

3.The impugned charge memo alleges that the writ petitioner was unauthorizedly absent from 26.11.2021 till 31.01.2022. The learned counsel for the writ petitioner states that he was admitted in hospital and that he had also duly intimated his superiors and that the charge memo has been unjustifiably issued. This is a defence which the petitioner has to establish only during enquiry and it is not possible to go into the said question in writ proceedings.

4.Leaving open the rights of the writ petitioner to establish his innocence in the domestic enquiry, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

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Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

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