



W.P.(MD).No.5114 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.11.2022

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD).No.5114 of 2016

and

W.M.P.(MD).No.4561 of 2016

J.Gopinath

... Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Transport Corporation (Madurai) Limited,
Madurai.

2.The General Manager,
Tamil Nadu State Transport Corporation (Madurai) Limited,
Madurai.

3.The Superintendent,
Department of Disciplinary Action
Tamil Nadu State Transport Corporation,
Madurai-Division-I Limited,
Madurai.

4.The Branch Manager,
Tamil Nadu State Transport Corporation,
Puthur-Branch,
Madurai.

... Respondents



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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 records of the impugned order in No.O.N.D./D4/Puthur/DR/2687 dated 26.02.2016 by the second respondent and quash the same as illegal and consequently directing the second respondent to permit the petitioner to discharge his regular duty as a Driver (DR-12557) in the fourth respondent branch.

For Petitioner : No Appearance.

For Respondents : Mr.J.Senthil Kumaraiah,
Standing Counsel

ORDER

This Writ Petition is filed to quash the order dated 26.02.2016 and consequently directing the second respondent to permit the petitioner to discharge his regular duty as a Driver (DR-12557) in the fourth respondent branch.

2. The charge against the petitioner is that he was unauthorizedly absented himself for the duty for a period of more than 6 months. Domestic enquiry was initiated and several notices were issued to the petitioner. The petitioner has not appeared before the enquiry proceedings. Finally, the



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respondents have issued a notice directing the petitioner to appear before the enquiry officer. The petitioner did not appear before the enquiry officer as well as he has not reported to duty also. The respondents have issued a notice to his address and on enquiry, it came to the knowledge of the respondents that the petitioner has indulged in the construction and selling of the houses. Therefore, the respondents have specifically recorded the petitioner's alternate occupation and directed to dismiss the petitioner from service.

3. This Court is of the considered opinion that since the petitioner is gainfully employed, he is not interested in the Driver job, therefore, the respondents are absolutely right in dismissing the petitioner. Therefore, this Writ Petition is devoid of merits.

4. Hence, this Writ Petition is dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition stands closed.

18.11.2022

Index : Yes / No
Internet : Yes/ No
Nsr



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S.SRIMATHY, J.

Nsr

To

- 1.The Managing Director,
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Madurai.
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Madurai.
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