



W.P(MD)No.26370 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.11.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.26370 of 2022

and

W.M.P.(MD)No.20550 of 2022

P.Ravi

... Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Transport Corporation
Kumbakonam Ltd.,
Kumbakonam,
Thanjavur District.

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

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records pertaining to the impugned order passed in த.அ.போக்/கும்ப/திருச்சி/டி4/3367/2022 dated 05.10.2022 by the second respondent and quash the same as illegal.

For Petitioner : Mr.Vadivel

For Respondents : Mr.K.Jagadees Balan
Standing Counsel



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ORDER

Heard the learned counsel appearing for the petitioner and the learned standing counsel appearing for the respondents.

2. The impugned order has to be quashed on a short ground. The petitioner had filed W.P.(MD)No.22848 of 2022 questioning the enquiry report. Since the writ petition will not lie questioning the enquiry report alone, the said writ petition was disposed of in the following terms:-

“What is under challenge is only an enquiry report. It is well settled that the enquiry report is not binding on the disciplinary authority. He can take a different view also. It is open to the petitioner herein to offer his explanation in response to the enquiry report. If the petitioner has not given his explanation, the petitioner is given two more weeks to offer his explanation. Leaving open all the defences of the petitioner, this writ petition is dismissed.”

3. The order copy was made ready only on 28.10.2022. The explanation was given by the petitioner on 02.11.2022. Even vide order dated 29.09.2022, I had given two more weeks to the petitioner to offer his explanation. Therefore, passing of the impugned order on 05.10.2022 even before the petitioner could offer his explanation is clearly un-sustainable. The order impugned in the writ petition is set aside only for having breached the order dated 29.09.2022 made in W.P.(MD)No.22848 of 2022.



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4. The second respondent is at liberty to pass fresh order after considering the petitioner's explanation dated 02.11.2022. It is not necessary for the respondents to give any fresh notice.

5. With this liberty to the second respondent, the Writ Petition is allowed.
No costs. Consequently, connected miscellaneous petition is closed.

22.11.2022

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

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