



W.P(MD)No.27393 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.12.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.27393 of 2022

and

W.M.P.(MD)No.21485 of 2022

N.Jayakumar

... Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Corporation Tirunelveli Limited,
Tirunelveli 627 003.

2.The General Manager cum Enquiry Officer,
Tamil Nadu State Corporation Tirunelveli Limited,
Nagercoil Region, Ranithottam,
Nagercoil – 1.

3.Peria Swamy,
The Branch Manager Chettikulam Branch,
Tamil Nadu State Transport Corporation,
Cholachal.

4.The Inspector of Police,
Cholachal,
Kanyakumari District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records pertaining to the impugned enquiry report dated 28.04.2018 on the file of the 2nd respondent and quash the same.



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For Petitioner : Mr.G.Cenil

For Respondents : Mr.D.Jebaraj,
Standing Counsel for R1 & R2.

ORDER

Heard the learned counsel on either side.

2.The petitioner is employed as Conductor in the respondent corporation. Disciplinary action was initiated against him. Enquiry was conducted. The enquiry report holds that the charges are proved. Challenging the same, this writ petition has been filed.

3.It is too well settled that an enquiry report is not binding on the disciplinary authority. The disciplinary authority can agree with the findings or disagree. Even before choosing either course of action, the disciplinary authority will hear the petitioner and only thereafter come to a decision. At this stage, the petitioner's rights have not at all been infringed. Only if an enforceable order is passed, the petitioner's rights will be at stake. Such a situation has not arisen



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4. Leaving open all the contentions and defences of the writ petitioner, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

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

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