



W.P.No.1200 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 19.01.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.1200 of 2023

&

W.M.P.No.1231 of 2023

K.Palanivel
S/o.K.Kailasam

.. Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Transport Corporation,
Salem Division,
No.12, Ramakrishna Road,
Salem - 7.

2.The General Manager,
Tamil Nadu State Transport Corporation,
Salem Division,
No.12, Ramakrishna Road,
Salem - 7.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India,
seeking for a Writ of Certiorari calling for the records pertaining to the
Charge Memo bearing No.Ku.No.275-3912-D2A-TNSTC(Salem)-2022
dated 31.05.2022 issued by the second respondent and quash the same.



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For Petitioner : Mr.T.R.Udayakumar

For Respondents : Mr.P.Muthukumar,
State Government Pleader assisted by
Mr.K.Raja, Standing Counsel

ORDER

This writ petition has been filed challenging the charge memo issued by the second respondent dated 31.05.2022.

2. The short facts of the case are as under:

The petitioner joined the erstwhile Anna Transport Corporation as a Diploma Company Trainee on 05.01.1996 and he was regularised as Junior Engineer on 01.02.1997. According to the petitioner, he was actively involved in protecting the rights of the workers and hence, he was targeted and various disciplinary actions were initiated against him and flimsy punishments were also imposed.

3. The grievance of the petitioner is that the second respondent through the impugned charge memo dated 31.05.2022 has initiated disciplinary proceedings against the petitioner as if the petitioner has committed misconduct under Clause 19(1) of the Corporation's Standing



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Order. The petitioner has already given his explanation and summon was also issued to the petitioner calling upon him to attend enquiry. The petitioner was forced to knock the doors of this Court mainly on the ground that there is absolutely no progress in the disciplinary proceedings and the charge memo itself has been issued by relying upon a Standing Order which has already been held to be unenforceable by a competent Labour Court.

4. Heard Mr.T.R.Udayakumar, learned counsel for the petitioner and Mr.P.Muthukumar, learned State Government Pleader, appearing for the respondents.

5. In the considered view of this Court, after issuance of the impugned charge memo, the petitioner has already given his explanation and the petitioner had taken all the grounds that have been taken in the present writ petition including the enforceability of the Standing Order. In view of the same, it will be fit and proper to direct the second respondent to complete the proceedings within a time limit prescribed by this Court. It goes without saying that the second respondent will consider the explanation given by the petitioner and take a decision on its own merits



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and in accordance with law.

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6. In the light of the above, this Writ Petition is disposed of with a direction to the second respondent to complete the disciplinary proceedings within a period of eight weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

It is made clear that the petitioner will co-operate for the completion of the proceedings within the time limit prescribed by this Court and he shall not adopt any dilatory tactics.

19.01.2023

Neutral Citation: Yes/No

Index: yes/no

Speaking Order/Non-Speaking Order

gm

To

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2. The General Manager,
Tamil Nadu State Transport Corporation,
Salem Division,



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No.12, Ramakrishna Road,
Salem - 7.



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N.ANAND VENKATESH, J

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