



W.P.No.29601 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.10.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.29601 of 2023
and
W.M.P.Nos.29234 & 29235 of 2023

G.Jayakumar

...Petitioner

Vs.

1.The Managing Director,
State Express Transport Corporation
Tamil Nadu Limited,
Pallavan Salai, Chennai - 600 002.

2.The General Manager,
State Express Transport Corporation
Tamil Nadu Limited,
Pallavan Salai, Chennai - 600 002.

3.The Deputy Manager,
State Express Transport Corporation
Tamil Nadu Limited,
Puducherry.

4.K.Dhanapal

5.K.Thirunavukarasu

...Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the impugned charge memo in Memo No.012290/TL4/SETC/2022 dated 26.11.2022 and impugned show cause notice in Memo No.012290/TL4/SETC/2022 dated 11.01.2023 issued by the 3rd respondent and quash the same.

For Petitioner : Mr.N.Theenadayalan

For R1 to R3 : Mr.K.Raja,
Standing Counsel

ORDER

Heard Mr.N.Theenadayalan, learned counsel for the petitioner and Mr.K.Raja, learned standing counsel appearing for the respondents 1 to 3.

2. In view of the order to be passed in this writ petition, no prejudice would be caused to the respondents 4 and 5. Hence, notice to the respondents 4 and 5 is dispensed with.

3. Pursuant to a charge memo dated 26.11.2022, the third respondent herein had issued a show cause notice dated 11.01.2023



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calling upon the petitioner's remarks. The petitioner had given his reply on 14.02.2023. At this stage, the present writ petition has been filed challenging the charge memo, as well as the show cause notice.

4. According to the learned counsel for the petitioner, the allegations termed in the charge memo cannot be termed to be illegal and therefore seeks interference.

5. It is a settled proposition of law that this Court exercising its powers under Article 226 of the Constitution of India will not usually interfere with a show cause notice and that the concerned recipient of the notice is required to render his explanation to the show cause notice, except under very few instances, like lack of authority etc. The grounds raised by the petitioner does not fall under any instances that have been settled through various decisions of this Court. Nevertheless, if the disciplinary authority is directed to pass final orders based on the petitioner's explanation to the show cause notice, the ends of justice could be secured.



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6. In the light of the above observations, no interference is required to the impugned charge memo or the show cause notice. However, there shall be a direction to the second respondent herein to pass orders on the petitioner's reply dated 14.02.2023, within a period of two weeks from the date of receipt of a copy of this order.

7. Accordingly, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

13.10.2023

Index:Yes/No

Internet:Yes/No

Speaking order/Non-speaking order

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To



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M.S.RAMESH,J.

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