



W.P.No.15117 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.07.2023

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THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.15117 of 2014
and M.P.No.1 of 2014

A.Vikram

... Petitioner

-Vs-

1. The General Manager,
Tamil Nadu State Transport
Corporation (VPM) Ltd.,
Vellore Region,
Vellore-9.

2. The Managing Director,
Tamil Nadu State Transport
Corporation (VPM) Ltd.,
Villupuram.

... Respondents

Prayer:- Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Certiorarified Mandamus, calling for the entire records of the impugned order passed by the first respondent in his proceedings Memo No.144100/Sa4/Tha.Aa.Po.Ka.(Ve)Ve.Ma/2012 dated 04.03.2014 as confirmed by the impugned order of the second respondent in his proceedings memo No. 144100/Sa4/Tha.Aa.Po.Ka(Ve)Ve.Ma/2012 dated 02.05.2014 and quash the same thereby direct the respondents to reinstate the petitioner in service with all the arrears of salary and attendant benefits.



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For Petitioner : Mrs. K.R.Santhana Kumari
for Mr.P.Kothandaraman

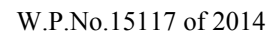
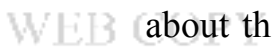
For Respondents : Mr.M.Ashwin, Standing Counsel

ORDER

This Writ Petition has been filed as against the order passed by the first respondent and confirmed by the second respondent, thereby dismissed the petitioner from service.

2. Heard the learned counsel for the petitioner and the learned counsel for the respondents and perused the material available on record.

3. The petitioner had joined as a Driver in the respondent Corporation, on 31.07.1991. After a period of 22 years, he was served with a charge memo that he had produced a bogus Transfer Certificate as if issued by the Ramakrishna High School, Thirupattur, Vellore District. The charge memo was issued during the fag end of his service. Without even calling for any explanation from the petitioner, the first respondent had sent a letter to the Ramakrishna High School, seeking to confirm whether the petitioner had studied in the said school or not. Similarly, another letter was also sent to Janaki Ponnusamy Elementary School. However, there was no reply from the Janaki Ponnusamy Elementary School. But in response to the letter,



5. A perusal of the enquiry report revealed that only on the basis of the letter issued by the Head Master of Ramakrishna High School, Thirupattur, Vellore District, the Enquiry Officer concluded that the charge framed against the petitioner was proved. In order to prove the charge, one of the colleagues of the petitioner was examined. Except one of his colleagues, no one was examined by the respondents, in order to prove the charge. That apart, the Head Master of Ramakrishna High School, Thirupattur, Vellore District was not examined by the respondents. It is also revealed from the letter issued by the



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Head Master of Ramakrishna High School, Thirupattur, Vellore District, there

was no record to find out whether the petitioner had studied 9th standard or not.

Therefore, it does not mean that the petitioner produced a bogus Transfer Certificate. Further, the Janaki Ponnusamy Elementary School did not response to the letter issued by the first respondent. Even then, the Enquiry Officer concluded that the charge against the petitioner was proved, without any iota of evidence. Therefore, the entire action against the petitioner is vindictive in nature that too the charge memo was served at the fag end of his service.

6. Admittedly, the petitioner had joined in service on 31.07.1991 as a Driver. After a period of 22 years, the charge memo was served with the petitioner as if he had produced a bogus Transfer Certificate at the time of his joining. There is absolutely no material to show that on whose intervention and on whose complaint, the Transfer Certificate produced by the petitioner was verified with school. Therefore, the entire action as against the petitioner is nothing but vindictive in nature and in order to escape from the liabilities such as terminal benefits, the first respondent framed a charge against the petitioner and dismissed from service.



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7. Though the petitioner failed to raise any industrial dispute as against the order of dismissal, the petitioner filed an appeal before the second respondent and the same was also dismissed. Therefore, aggrieved by the same, the petitioner preferred this writ petition and it is pending from the year 2014. Therefore, it would not be appropriate to direct the petitioner to raise industrial dispute, after a period of nine years, since the charge framed as against the petitioner is not in consonance with any material evidence. In fact, the management also failed to examine the Head Master who issued a letter stating that there was no records in respect of issuance of Transfer Certificate which was allegedly produced by the petitioner at the time of his joining as a Driver. Therefore, the orders impugned in this writ petition cannot be sustained as against the petitioner and are liable to be quashed.

8. Accordingly, the impugned order passed by the first respondent in his proceedings Memo No.144100/Sa4/Tha.Aa.Po.Ka.(Ve)Ve.Ma/2012 dated 04.03.2014 and confirmed by the impugned order of the second respondent in his proceedings memo No.144100/Sa4/Tha.Aa.Po.Ka(Ve)Ve.Ma/2012 dated 02.05.2014 are hereby quashed. The first respondent is directed to settle all the terminal benefits including the pensionary benefits to the petitioner, within a period of eight weeks from the date of receipt of a copy of this order.



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WEB COPY 9. In view of the above, this writ petition stands allowed. Consequently, connected Miscellaneous petition is closed. There shall be no order as to costs.

18.07.2023

Internet : Yes

Index : Yes

Speaking order

Neutral Citation: Yes

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To

1. The General Manager,
Tamil Nadu State Transport
Corporation (VPM) Ltd.,
Vellore Region,
Vellore-9.
2. The Managing Director,
Tamil Nadu State Transport
Corporation (VPM) Ltd.,
Villupuram.



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G.K.ILANTHIRAIYAN, J.

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