



W.P.Nos.25391 and 25101 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on:05.06.2023

Delivered on: 09.06.2023

CORAM:

THE HONOURABLE MR.JUSTICE P.B.BALAJI

W.P.Nos.25391 and 25101 of 2019

&

W.M.P.Nos.24932,24933,24670 and 24673 of 2019

P.C.Vellingiri

... Petitioner in W.P.No.25391 of 2019

M.C.Sakthivel

... Petitioner in W.P.No.25101 of 2019

Vs.

1.The Managing Director
Tamil nadu State Transport Corporation (Coimbatore) Ltd
No.37, Mettupalayam road
Coimbatore District-641 043

2.The General Manager
Tamil nadu State Transport Corporation (Coimbatore) Ltd
Erode Region
Erode

... Respondents in both the cases.

PRAYER in W.P. No.25391 of 2019: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records of the 2nd respondent in P.A.No.26/1/D11/1260/Law/TNSTC/E.Ma/2017 dated 23.02.2018 and



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consequential Appeal order passed by the 1st respondent in P.A.No.W.P.No.30565/18/Uu.Me(Tho)/TNSTC(K)/19 dated 25.03.2019 and to quash the same and consequently to direct the respondents to pay the difference of wages if any.

PRAYER in W.P. No.25101 of 2019: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records of the 2nd respondent in P.A.No.26/1/D11/1260/Law/TNSTC/E.Ma/2017 dated 23.02.2018 and consequential Appeal order passed by the 1st respondent in P.A.No.W.P.No.31996/18/Uu.Me(Tho)/TNSTC(K)/19 dated 25.03.2019 and to quash the same and consequently to direct the respondents to pay the difference of wages if any.

For Petitioners : Mr.P.Paramasivadosh

For Respondents : Mr.M.Murali Vinodh for R1 and 2

COMMON ORDER

These two writ petitions are filed by the driver-Sakthivel and conductor-Vellingiri of the bus belonging to the 1st respondent seeking Writs of Certiorarified Mandamus to call for the records on the file of the nd respondent in P.A.No.26/1/D11/1260/Law/TNSTC/E.Ma/2017 dated 23.02.2018 and consequential Appeal order passed by the 1st respondent in



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P.A.No.W.P.No.31996/18/Uu.Me(Tho)/TNSTC(K)/19 dated 25.03.2019 and

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to quash the same and consequently direct the respondents to pay difference in wages.

2. Both the Writ Petitions arise out of common set of facts. The petitioners were assigned duty in the bus bearing Registration No. TN-33-N-3102 as driver and conductor respectively. On 29.12.2017, when the bus was plying between Erode and Pondicherry at about 12.50 p.m near Athur, the vehicle was intercepted by the Regional Engineer, Salem along with the Checking Inspectors and 111 bottles of liquor were found unclaimed in the bus. The officials attributed the same to the driver and conductor of the bus viz., the Writ Petitioners herein above. Treating the same as misconduct, the Checking Inspector sent a report to the management for further action. The respondent management issued a charge memo along with the suspension order 30.12.2017. However, subsequently the suspension was revoked on 27.01.2018. Thereafter, the management appointed an Enquiry Officer and the conductor viz., the petitioner in W.P.No.25391 of 2019 was about to



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retire shortly in February 2018 and therefore the respondent management directed the Enquiry Officer to conclude the enquiry prior to his retirement.

3. It is the case of the petitioners that the charges framed were incorrect and no sufficient opportunity was afforded to the petitioners to defend them in the disciplinary proceedings and more over, hoping that if the petitioners admitted to guilt, a lenient view will be taken, the petitioners did not chose to cross examine any of the management witnesses and they also admitted to the charges levelled against them. However, to their utter shock and disbelief the petitioners were imposed with punishment reducing the existing basic pay to the minimum and additionally, permitting the conductor (petitioner in W.P.No.25931 of 2019) to retire on 28.02.2018.

4. Heard Mr.P.Paramasivadoss, learned counsel for the petitioners and Mr.M.Murali Vinodh for R1 and 2

5. At the outset, transporting liquor, that too in large quantities running



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to 111 bottles without proper permit or license is certainly not an offence that can be condoned, but necessarily one that has to be condemned.

6. Though the petitioners have approached this Court alleging that they were not given sufficient opportunity to disprove the charges and that there was no proof that 111 bottles contained liquor etc., this Court is unable to countenance the said submissions for the following reasons:

1. The petitioners have admitted to the fact that they are responsible for the 111 bottles of liquor found unclaimed in the bus.

2. The said express and clear admission on the part of the petitioners is not result of coercion or undue influence.

3. The petitioners have also admitted to the fact that the bottles were transported fully with their knowledge.

4. It is not open to the petitioners, having admitted to the illegal act, thereafter to make allegations against the respondents as if they have not conducted the enquiry properly.

7. This Court, finds that when the petitioners had admitted to the



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charges levelled against them there was nothing more the respondents could do but, to pass orders against the petitioners taking note of their clear and categorical admissions. Infact, the impugned order also refers to several other misdeeds of the respective Writ Petitioners. However, this Court finds that most of the charges which were levelled and proved against the Writ Petitioners were trivial in nature. However, the same will not in anyway dilute the magnitude of the offence committed by the petitioners in transporting a large quantity of liquor without proper license or permit. This Court finds that there is absolutely no case made out by the Writ Petitioners for setting aside the impugned order passed by the 1st respondent. Having voluntarily admitted to all the charges levelled against the petitioners, it is not even open to the Writ Petitioners to maintain a Writ Petition inventing new grounds like not having been afforded an opportunity, vindictive attitude of the respondents etc., The Writ Petitioners do not deserve any sympathy or indulgence of this Court in view of the above discussed facts and circumstances.

In fine, Writ Petitions are dismissed. No costs. Consequently,



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connected miscellaneous petitions are closed.

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09.06.2023.

Internet:Yes

Index:Yes/No

Speaking order

Neutral Citation:Yes/No

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To

1.The Managing Director

Tamil nadu State Transport Corporation (Coimbatore) Ltd

No.37, Mettupalayam road

Coimbatore District-641 043

2.The General Manager

Tamil nadu State Transport Corporation (Coimbatore) Ltd

Erode Region

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Pre-delivery order in
W.P.Nos.25391 and 25101 of 2019
&
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