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**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED:**05.01.2023**

CORAM:

THE HONOURABLE **MR.JUSTICE M.DHANDAPANI**

**W.P.(MD)No.242 of 2023**

Alagiri ... Petitioner

Vs.

1.The Management of
Tamil Nadu State Transport Corporation (Kumbakonam) Limited,
Rep.by its Managing Director,
Kumbakonam-612 001.

2.The General Manager,
Tamil Nadu State Transport Corporation (Kumbakonam) Limited,
Karaikudi Region,
Karaikudi-630 307. ... Respondents

**Prayer**:Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records of the impugned proceedings of the 2nd respondent against the petitioner vide: TNSTC/KKD/DS-1030/FATO1/D3-120/2021 dated 15.10.2022 and quash the same as illegal against the petitioner in the manner of violation of natural justice, biases, without any charge made out and failed to give enquiry report with other related documents evidence for the same



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impugned order for proper explanation against the petitioner within a stipulated time that may be fixed by this Honble Court.

For Petitioner : Mr.R.Senthil Kumar
For Respondents : Mr.K.Jagadeesbalan

**O R D E R**

This writ petition has been filed to call for the records pertaining to the impugned proceedings of the 2nd respondent against the petitioner vide:TNSTC/KKD/DS-1030/FATO1/D3-120/2021 dated 15.10.2022 and quash the same as illegal against the petitioner.

2. The case of the petitioner is that the petitioner is working as Driver in the respondents Office. On 23.03.2021, the persons who came behind the petitioner's bus, dashed the back right side of the petitioner's bus, as a result of which, two persons died. Thereafter, the 2nd respondent has passed the impugned order imposing the punishment of postponement of increment for two years with cumulative effect and taken the suspension period of the petitioner from 22.03.2021 to 15.04.2021 as leave dates. Challenging the same, the present writ petition



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has been filed.

3. The learned counsel appearing for the petitioner would submit that before imposing the punishment, the respondents have to conduct an enquiry. Without conducting the enquiry, imposing the punishment on the petitioner is not sustainable. In this regard, the petitioner has also preferred an appeal on 08.11.2022 before the 1st respondent. Hence, he prays for appropriate orders.

4. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondents.

5. Admittedly, the petitioner has filed this writ petition challenging the order of punishment and in this regard, he has preferred an appeal before the 1st respondent on 08.11.2022. Therefore, this Court, without interfering with the impugned order of the 2nd respondent, is inclined to issue a direction to the 1st respondent to dispose of the appeal filed by the petitioner within a period of 12 weeks from the date of receipt of a copy



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of this order, after affording opportunity to the petitioner.

6. With the above direction, this Writ Petition is disposed of. No costs.

**05.01.2023**

ssb

To

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Rep.by its Managing Director,
Kumbakonam-612 001.

2.The General Manager,
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**M.DHANDAPANI,J.**

ssb

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