



W.P.(MD)No.4934 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.03.2023

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THE HONOURABLE MR. JUSTICE G.R.SWAMINATHAN

W.P(MD).No.4934 of 2023

and

W.M.P.(MD)No.4610 of 2023

R.Panchu Aruna

... Petitioner

Vs

1.The Genral Manger,
State Express Transport Corporation,
Tamilnadu Ltd;,
Pallavansalai,
Chennai -2.

2.The Deputy Manager,
State Express Transport Corporation,
Tamilnadu Ltd.,
Nagercoil Branch,
Nagercoil,
Kanyakumari District.

3.The Branch Manager,
State Express Transport Corporation,
Tamilnadu Ltd.,
Nagercoil Branch,
Nagercoil, Kanyakumari District.



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WEB COURT

4.B.Chidambaram,
Controller,
State Express Transport Corporation,
Tamilnadu Ltd.,
Nagercoil Branch,
Meenakshipuram Depot, Nagercoil,
Kanyakumari District.

5.S.Gopalakrishnan,

6.M.Rowsath Mohammed,

7.R.D.Dali

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, calling for the records relating to the impugned charge memo passed by the 2nd respondent in Charge Memo No. 015958/DL2/SETC/2022 dated 17.9.2022 and quash the same.

For Petitioner : Mr.K.Raj Kumar

For Respondents : Mr.K.Senthil Kumar

ORDER

Heard the learned counsel on either side.



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2. The petitioner is working as a Driver cum Conductor in the respondent corporation. He has been issued with the impugned charge memo dated 17.09.2022. The learned counsel appearing for the petitioner reiterated all the contentions set out in the affidavit filed in support of this writ petition and called upon this Court to quash the impugned charge memo.

3. I am not persuaded by the submissions advanced by the learned counsel for the petitioner. As rightly pointed out by the learned standing counsel appearing for the corporation, though it is the Managing Director, who is competent to impose punishment on the petitioner, instructions have been issued to enable the Senior Deputy Manager (HRD) to initiate disciplinary action against the erring staff. The second respondent has only initiated disciplinary action. The petitioner can very well offer his response.

4. I consciously refrain from going into the contention whether the second respondent is competent to impose punishment or not. As per the settled principles of service jurisprudence, a superior officer can very well



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initiate disciplinary action. In this case the second respondent is not only superior to the petitioner he has also been authorised to initiate disciplinary action by the Managing Director of the Corporation.

5. Leaving open all the contentions and defence of the petitioner, this Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petition stands closed.

08.03.2023

NCC : Yes/No
Index : Yes/No
Internet : Yes / No

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G.R.SWAMINATHAN, J.

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