



W.P.(MD)No.8318 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.04.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.8318 of 2023

and

W.M.P(MD)No.7657 of 2023

A.James

... Petitioner

Vs

1.Tamil Nadu State Transport Corporation,
(Kumbakonam) Limited,
Represented by its General Manager,
Karaikudi Region,
Sivagangai District.

2.Tamil Nadu State Transport Corporation,
(Kumbakonam) Limited,
Represented by its Branch Manager,
Devakottai Branch,
Sivagangai District.

3.The Managing Director,
Tamil Nadu State Transport
Corporation (Kumbakonam) Limited,
Kumbakonam.
*(R.3 is suo motu impleaded vide
order of this Court dated 12.04.2023)*

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified, to call for the entire records of the first respondent relating to the orders in 1) TNSTC/KKD/DS-1895/MIBO13/D3-345/2021 dated 18.11.2022 of the first respondent 2) Charge Memo dated 23.12.2021 and quash the same and to issue consequential directions to the respondents to restore the pay of the petitioner to the stage at which he was drawing prior to the order of punishment dated 18.11.2022.

For Petitioner : Mr.A.Geroge Stephen Kanikkairaj

For Respondents : Mr.K.Jagadees Balan
Standing Counsel

ORDER

Heard the learned counsel appearing for the writ petitioner and the learned Standing Counsel appearing for the respondent Corporation.

2.The petitioner is employed as Driver in the respondent Corporation. He is on the verge of retirement. Charge memo was served on him and final order was passed on 18.11.2022. The petitioner has been visited with a very serious punishment. Challenging the same, the present writ petition has been filed.

3.The impugned order is appealable. It is seen that the petitioner has also filed an appeal petition before the appellate authority namely the Managing



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Director. When the impugned order is appealable, the question of writ Court entertaining the petition does not arise. The petitioner is also permitted to submit a fresh appeal memorandum setting out the grounds on which he is assailing the impugned order. If any such appeal petition is filed within a period of two weeks from the date of receipt of a copy of this order, the same shall be entertained by the appellate authority without reference to limitation. The appellate authority is also called upon to dispose of the appeal on merits and in accordance with law within a period of six weeks thereafter. I am giving such direction for timely disposal taking into account the fact that the petitioner is about to retire. I make it clear that I have not gone into the merits of the matter. All the contentions of the petitioner are left open.

4.This writ petition is disposed of with the aforesaid directions. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

12.04.2023

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

Note: Issue Order Copy on 13.04.2023.



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To

1. The General Manager,
Tamil Nadu State Transport Corporation,
(Kumbakonam) Limited,
Karaikudi Region,
Sivagangai District.
2. The Branch Manager,
Tamil Nadu State Transport Corporation,
(Kumbakonam) Limited,
Devakottai Branch,
Sivagangai District.
3. The Managing Director,
Tamil Nadu State Transport
Corporation (Kumbakonam) Limited,
Kumbakonam.



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G.R.SWAMINATHAN, J.

MGA

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and
W.M.P(MD)No.7657 of 2023

12.04.2023