



W.P(MD)No.10887 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 02.06.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.10887 of 2023

and

W.M.P.(MD)No.9541 of 2023

C.Babu Rajan

... Petitioner

Vs.

1.The Managing Director,
State Express Transport Corporation Ltd.,
Pallavan Street, Chennai - 600 002.

2.The General Manager (O & A),
State Express Transport Corporation Ltd.,
Pallavan Street, Chennai - 600 002.

3.The Branch Manager,
State Express Transport Corporation Ltd.,
Kanyakumari Branch,
Kanyakumari - 629 702,
Kanyakumari District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned notice in



W.P(MD)No.10887 of 2023

Ku.No.542/A1/SETC/Naa/20, dated 18.04.2023, sealed on 19.04.2023

on the file of the Respondent No.3 and quash the same as illegal and consequently to direct the Respondent No.3 to consider the explanation of the petitioner dated 12.10.2019 to the show cause notice dated 04.01.2018 and pass final orders within the time stipulated by this Court.

For Petitioner : Mr.S.Louis

For Respondents : Mr.S.C.Herold Singh,
Standing Counsel.

ORDER

Heard the learned counsel on either side.

2.The writ petitioner joined the respondent corporation as Conductor. His physical condition worsened and he was unable to work as Conductor. Therefore, pursuant to the direction of this Court, he was offered alternative duty. However, the respondents erroneously styled the petitioner as a Helper. That led to the filing of more than one writ petitions as well as contempt petition before this Court. The management through their standing counsel admitted before this Court



W.P(MD)No.10887 of 2023

that the petitioner will no be styled as a Helper. But contrary to the said undertaking given before this Court, in the impugned notice, the petitioner has been once again described as a Helper. In my view, this borders on contempt. When it was pointed out to the learned standing counsel for the respondents, he graciously stated that the impugned notice has been erroneously issued and it would be withdrawn immediately. The said submission is placed on record.

3.The learned counsel for the petitioner states that the disciplinary action that is the subject matter of impugned notice commenced way back in January 2018 and that is being kept alive. Such delay on the part of the management cannot be appreciated. Even while calling upon the respondents to issue proper notice by properly describing the petitioner, the disciplinary action that is the subject matter of the impugned communication shall be concluded on merits and in accordance with law within a period of two months from the date of receipt of a copy of this order. All the contentions and defences of the petitioner are left open. I expect the management to adhere to the time line and not to file any petition for extension of time.



W.P(MD)No.10887 of 2023

WEB COPY

4.This writ petition is disposed of accordingly. No costs.

Consequently, connected miscellaneous petition is closed.

02.06.2023

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



WEB COPY



W.P(MD)No.10887 of 2023



WEB COPY



W.P(MD)No.10887 of 2023

G.R.SWAMINATHAN, J.

ias

W.P(MD)No.10887 of 2023

02.06.2023