



W.P(MD)No.13159 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 07.06.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.13159 of 2023

Muniyasamy

... Petitioner

Vs.

1.The Managing Director,
Tamilnadu State Transport Corporation (Kumbakonam) Ltd.,
Kumbakonam Division, Kumbakonam.

2.The General Manager,
Tamil Nadu State Transport Corporation Ltd.,
Karaikudi Region, Karaikudi,
Sivagangai District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the entire relevant records relating to the impugned order passed by the 2nd respondent vide TNSTC/KKD/DS-1969/FATO1/D2-329/2021, dated 16.05.2023 against this Court's order in W.P.(MD).No.5504 of 2023 dated 14.03.2023 and in



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the manner of Violation of natural justice and consequently direct the respondents to disburse all the salary benefit to the petitioner without affecting by the impugned order of the 2nd respondent within a stipulated time that may be fixed by this Court.

For Petitioner : Mr.R.Senthilkumar

For Respondents : Mr.K.Jagadees Balan,
Standing Counsel.

ORDER

Heard the learned counsel on either side.

2.The petitioner is working as a Driver in the respondent corporation. He was issued with show cause notice proposing the punishment of stoppage of increment with cumulative effect. At that stage itself, the petitioner came before this Court by filing W.P.(MD)No.5504 of 2023. The grievance of the petitioner was that in order to give proper explanation to the show cause notice, the petitioner must be furnished with enquiry report and other relevant documents.



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This Court felt that the petitioner's request was justified. The writ petition was allowed on 14.03.2023 by directing the respondents to furnish the petitioner with the petition-mentioned documents. The respondent was mandated to pass final order only after giving such opportunity to the petitioner. It is true that though the writ petition was allowed on 14.03.2023, the order copy was made ready only on 18.05.2023. On 16.05.2023, the impugned final order came to be passed levying punishment.

3.The order was dictated in the presence of the learned standing counsel. Obviously, the management had knowledge of the order passed by this Court. Without even waiting for the order copy, the management could have furnished the petitioner with the relevant documents. Instead of doing so, the impugned order came to be passed. In my view, it does prima facie amount to contempt. Be that as it may, on 01.06.2023, the management had put the impugned order on hold and it had furnished the petitioner with the copy of the enquiry report. But then, the other documents have not been furnished. The management is directed to comply with the direction given by this Court on 14.03.2023 in



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W.P.(MD)No.5504 of 2023. The impugned order is set aside and the writ petition is allowed. No costs.

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NCC : Yes/No
Index : Yes / No
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G.R.SWAMINATHAN, J.

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