



W.P(MD)No.13482 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.06.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.13482 of 2023

and

W.M.P(MD)Nos.11369 & 11370 of 2023

Kesavan

... Petitioner

Vs

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

2.The Assistant 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 to issue a Writ of Certiorarified Mandamus, to call for the entire relevant records relating to the impugned order passed by the second respondent, vide TNSTC/KKD/DS-4403/FATO1/D4-663/202, dated 19.05.2023 and quash the same as illegal for the reason of violation of Natural Justice and consequently direct the respondents to allow a Advocate with fresh enquiry to



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the petitioner in Charge Memo.
TNSTC/KKD/DS-4404/FATO1/DCC055/D4-664/2022, dated 20.12.2023,
based on the petitioner's representations on 16.05.2023, 08.05.2023 and
19.05.2023 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 employed as a Driver in the respondent Corporation. He is said to have involved in a fatal accident leading to the death of as many as three persons. In this regard disciplinary action has been initiated against the petitioner. The petitioner wants to engage an advocate to defending him in an enquiry. It is not the case of the petitioner that the presenting officer is a lawyer or a legally qualified person. It is true that the enquiry officer is a legally qualified person. But that will not make any difference. Therefore, the order impugned in the writ petition does not warrant interference. However, the petitioner is permitted to engage a co-employee or officer bearer of Tamil Nadu State Transport Corporation (TNSTC) Union as his assistant to defend him in the proceedings.



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3. With this liberty to the petitioner, this writ petition is disposed of.

There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

09.06.2023

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

To

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G.R.SWAMINATHAN, J.

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