



W.P(MD)No.16864 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.03.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.16864 of 2020

and

W.M.P.(MD)No.14096 of 2020

S.Suresh

... Petitioner

Vs.

The General Manager,
Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
Karaikudi Region, Managri (Po),
Maruthupathi, Karaikudi,
Sivagangai District.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for records pertaining to the impugned order of the respondent in Ref:TNSTC/TS/T3/03/18, dated 29.01.2019 quash the same as illegal..

For Petitioner : Mr.G.M.Xavier

For Respondent : Mr.P.Balasubramanian,
Standing Counsel.



W.P(MD)No.16864 of 2020

ORDER

WEB COPY

Heard the learned counsel on either side.

2.The petitioner is working as Conductor in the respondent corporation. He was issued with a charge memo dated 22.02.2018. The petitioner instead of submitting a formal reply appears to have made an endorsement in the charge memo itself that he must be furnished with a copy of the basic complaint and he must also be given sixty days time to respond. The employer thereafter issued show cause notice dated 18.05.2018 proposing the punishment of stoppage of increment for a period of three months without cumulative effect. The petitioner appears to have been made a similar endorsement on the show cause notice also. Thereafter, the impugned order dated 29.01.2019 came to be passed imposing the punishment of stoppage of increment for a period of three months. Challenging the same, the present writ petition came to be filed.

3.After hearing the learned counsel on either side, I am satisfied that no case for interference has been made out. When the petitioner has not responded to the charge memo as well as the show cause notice, the employer is left with no other option but to pass an order based on the materials available on record.



W.P(MD)No.16864 of 2020

The contention of the learned counsel for the petitioner is that the employer could not have proceed in the matter without complying the request originally made by the petitioner. I am not able to agree with this contention. The petitioner wants the employer to adopt the major penalty procedure for imposing minor penalty. In any event, nothing stopped the petitioner from formally denying the charge levelled against him. The petitioner has failed to do so. In these circumstances, the question of interfering with the impugned order does not arise at all. What has been imposed on the petitioner is only stoppage of increment for a period of three months only and that too without cumulative effect. Hence, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

13.03.2023

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



WEB COPY



W.P(MD)No.16864 of 2020

G.R.SWAMINATHAN, J.

ias

W.P(MD)No.16864 of 2020

13.03.2023