



W.P.(MD).No.16585 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.08.2023

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.16585 of 2023

and

W.M.P(MD)No.13868 of 2023

M.Kamaraj

... Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
TNSTC Head Office,
No.27, Railway Station New Road,
Kumbakonam – 612 001.

2.The General Manager,
Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
Karaikudi Region,
Maruthupathi,
Managiri, Karaikudi,
Sivagangai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, to call for the impugned charge memo issued by the second respondent in TNSTC/KKD/DS-5494/FAT01/D4-177/2023 dated 21.04.2023 and quash the same as illegal.



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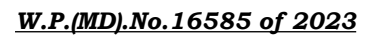
For Petitioner : Mr.P.Vijay Nivas
For Respondents : Mr.K.Jagadees Balan

ORDER

The present Writ Petition has been filed for issuance of a Writ of Certiorari, to quash the impugned charge memo issued by the second respondent, dated 21.04.2023.

2.Heard Mr.P.Vijay Nivas, learned counsel appearing for the petitioner and Mr.K.Jagadees Balan, learned counsel appearing for the respondents and perused the materials available on record.

3.The petitioner is working as a Driver in the respondent Corporation at Thirupathur Branch for the past 17 years. On 18.09.2022, when he was driving the Corporation bus bearing Registration No.TN-63-N-1490 near Thirupathur, Pommari Division, one two-wheeler dashed on the rear side of the lorry which was followed by the bus plied by the petitioner. An F.I.R. came to be registered as against the petitioner, though the motor vehicle report



4.A punishment of postponement of increment for six
th cumulative effect came to be passed vide final order
9.2021. Challenging the same, the petitioner preferred an
er Section 2(K) of the Industrial Disputes Act before the
urt and the same is pending. During the pendency of the
10.04.2023, by means of a cryptic order without any
discussion or reasoning, the second respondent cancelled the
dated 15.09.2021, which was subsequently challenged by



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the petitioner before the Labour Court. Following which on 21.04.2023, the impugned charge memo has been issued by the second respondent Corporation for the same incident, elaborating that the pillion rider involved in the said accident has died.

5.The petitioner has already suffered two punishments for the same incident on 18.09.2022 and one of the final orders dated 23.12.2020 has already been implemented and the final order dated 15.09.2021 is under challenge before the Labour Court concerned. The conduct of the second respondent in issuing a fresh charge-memo cancelling the final order which is challenged before the Labour Court is *per se* illegal. Hence, the impugned charge memo dated 21.04.2023 issued by the second respondent is hereby quashed as illegal and this Court consequently directs the second respondent Corporation to re-call the cancellation order dated 10.04.2023 by which the final order dated 15.09.2021 was cancelled.



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6. Accordingly, the Writ Petition is allowed. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

16.08.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes
ps

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L.VICTORIA GOWRI, J.

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