



W.P.(MD).Nos.18114 and 20377 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.01.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P.(MD).Nos.18114 and 20377 of 2022

and

W.M.P(MD) Nos.13216, 13218, 14778, 14780 and 14779 of 2022
and 412 and 413 of 2023

Rajendran

... Petitioner
(in W.P(MD) No.18114 of 2022)

R.Muthukrishnan

... Petitioner
(in W.P(MD) No.20377 of 2022)

vs.

1. The Principal Secretary,
State of Tamil Nadu,
Tamil Nadu State Transport Corporation,
Chennai – 600 001.
2. The Managing Director,
Tamil Nadu State Transport Corporation,
Chennai – 600 001.
3. The General Manager,
Tamil Nadu State Transport Corporation,
Trichy.
4. The Manager,
Ramachandra Nagar,
Tamil Nadu State Transport Corporation,
Pudhukottai Branch,
Trichy Division,
Trichirapalli.



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5. The Assistant Manager, (Disciplinary Action)
Ramachandra Nagar,
Transport Corporation,
Trichy Division Depot,
Pudhukottai Branch.

6. Sekar,
Manager,
Tamil Nadu State Transport Corporation,
Pudhukottai Branch,
Trichy Division,
Trichirapalli.

... Respondents
(in both Writ Petitions)

PRAYER in W.P(MD) No.18114 of 2022: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, call for the records pertaining to the impugned charge memo in TNSTC/PUD/DS-2184/ABS019-D2-367/2022, dated 27.07.2022 issued by the fifth respondent and quash the charge memo and as illegal and malafide and consequently direct the respondents No.1 to 3 to provide duty to the petitioner as per the service condition.

PRAYER in W.P(MD) No.20377 of 2022: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, call for the records pertaining to the impugned charge memo in TNSTC/PUD/DS-2185/ABS019-D2368/2022, dated 27.07.2022 issued by the fifth respondent and quash the charge memo and as illegal and malafide and consequently direct the



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3. The case of the petitioners is that the petitioners are working as Driver and Conductor respectively in the respondent Corporation. The respondent Corporation issued Charge Memos against the petitioners on 27.07.2022, on the ground that the petitioners not attended duty on 22.07.2022. Challenging the same, the present writ petitions have been filed.

4. The learned counsel appearing for the petitioners would submit that the petitioners have no grievance for participating in the enquiry proceedings. However, this Court may appoint an independent enquiry officer for conducting an enquiry as against the petitioners.

5. This Court has already issued a direction to the respondents to mention the name of the enquiry officer. To that extent, the third respondent has filed a Memo stating that one K.Balakrishnan is the present domestic enquiry officer. But due to various reasons, a new domestic enquiry officer is going to be appointed within a period of one week. However, the learned Standing counsel appearing for the respondents 2 to 5 would submit that the Management is going to appoint another Advocate in Trichy District.



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6. In view of the consent view expressed by the learned counsel for the petitioner, this Court, without interfering with the order impugned in the writ petitions, directs the respondent Corporation to appoint an enquiry officer in Trichy District and the petitioners are directed to participate in the enquiry proceedings to be enquired by the adjacent District enquiry officer and the enquiry officer is directed to give a report to the fifth respondent. Thereafter, the fifth respondent has to pass appropriate orders, after providing opportunity to the petitioners.

7. With the above directions, these Writ Petitions are disposed of.
No costs. Consequently connected Miscellaneous Petitions are closed.

12.01.2023

NCC: Yes / No
Index : Yes / No
Internet : Yes / No
akv/ebsi



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M.DHANDAPANI,J.

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