



W.P.(MD)Nos.2194 & 2195 of 2016

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.06.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)Nos.2194 & 2195 of 2016
and
W.M.P(MD)Nos. 3606 & 3607 of 2016

V.Jayachandran

... Petitioner in both the Petitions

Vs.

1.The Management of
State Express Transport Corporation,
(Tamil Nadu) Limited,
Represented by its Managing Director,
Pallavan Salai,
Chennai – 2.

2. The General Manager,
State Express Transport Corporation,
(Tamil Nadu) Limited,
Pallavan Salai,
Chennai – 2.

... Respondents in both the Petitions

COMMON PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of *Writ of Certiorari*, calling for the records pertaining to the impugned order imposed by the 2nd Respondent in Aa.No.



W.P.(MD)Nos.2194 & 2195 of 2016

WEB COPY

044729/DL2/AVPoKa/2013, dated 25.03.2014 and 14099/DL2/AVPoKa/2013, dated 23.04.2014, respectively; quash the same.

In both Writ Petitions

For Petitioner : Mr.R.Venkatesan

For Respondents : Mr.K.Sathiya Singh
Standing Counsel

COMMON ORDER

W.P(MD)No.2194 of 2016 has been filed for ***Writ of Certiorari*** challenging the impugned order, dated 25.03.2014.

W.P(MD)No.2195 of 2016 has been filed for ***Writ of Certiorari*** challenging the Show cause notice, dated 23.04.2014.

2. Since the issue involved in these Writ Petitions are similar in nature both the writ petitions are taken up together and disposed of by a common order.

3. The respondents have initiated a disciplinary proceeding against the petitioner for certain allegations. A charge memo was also issued to the



W.P.(MD)Nos.2194 & 2195 of 2016

WEB COPY

petitioner alleging that he insulted the Branch Manager at Koyambedu in front of other workers. The 2nd respondent without conducting any enquiry, straightaway passed the impugned order and has imposed punishment of stoppage of increment for six months without cumulative effect.

4. It is seen from the records that the petitioner has attained superannuation and retired from service on 30.04.2014. Since the petitioner was on the verge of retirement, the impugned order has become unimplementable order. If it is unimplementable order, the respondents have no rights to recover the same from the petitioner. Therefore, this Court is inclined to allow this Writ Petition.

5. Accordingly, ***W.P(MD)No.2194 of 2016*** is allowed. The respondents had not paid terminal benefits to the petitioner. The same shall be paid, within a period of 12 weeks from the date of receipt of a copy of the order.

6. ***W.P(MD)No.2195 of 2016*** has been filed challenging the Show cause notice, dated 23.04.2014 and the said Show cause notice was issued



W.P.(MD)Nos.2194 & 2195 of 2016

WEB COPY

seeking explanation from the petitioner. Since W.P(MD)No.2194 of 2016 is allowed, the said show cause notice, dated 23.04.2014 is also hereby quashed. Accordingly, ***W.P(MD)No.2195 of 2016*** is allowed.

7. Finally, these Writ Petitions are allowed. No Costs. Consequently, connected miscellaneous petitions are closed.

Index : Yes / No
Internet : Yes
ksa

15.06.2023



WEB COPY



W.P.(MD)Nos.2194 & 2195 of 2016

To

- 1.The Management of
State Express Transport Corporation,
(Tamil Nadu) Limited,
Represented by its Managing Director,
Pallavan Salai,
Chennai – 2.
2. The General Manager,
State Express Transport Corporation,
(Tamil Nadu) Limited,
Pallavan Salai,
Chennai – 2.



WEB COPY



W.P.(MD)Nos.2194 & 2195 of 2016

S.SRIMATHY, J

ksa

**Common Order made in
W.P.(MD)Nos.2194 & 2195 of 2016**

15.06.2023