



W.P.(MD).No.26019 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.11.2023

CORAM

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD).No.26019 of 2023

and

W.M.P(MD)Nos.22394 & 22395 of 2023

P.Ponnusamy, (Driver N.56495),
Tamil Nadu State Transport Corporation
(Madurai) Limited,
Dindigul Region, Dindigul Branch-1,
Dindigul District.

... Petitioner

Vs.

- 1.The General Manager,
Tamil Nadu State Transport Corporation
(Madurai) Limited,
Dindigul Region,
Dindigul District.
- 2.The Branch Manager,
Tamil Nadu State Transport Corporation
(Madurai) Limited,
Dindigul Region, Dindigul Branch-1,
Dindigul District.
- 3.The Enquiry Officer / Section Superintendent,
Tamil Nadu State Transport Corporation
(Madurai) Limited,
Dindigul Region, Dindigul Branch-1,
Dindigul District.

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned notice, dated 19.09.2023, in pursuant to attend the enquiry which fixed on 05.10.2023 before the third respondent, passed by the first respondent in his proceedings in Ref: LD1D1/1656 and consequential notice, dated 05.10.2023 issued by the third respondent in his proceedings in Ref: LD1D1/1656.

For Petitioner : Mr.B.Senthil Kumar

For Respondents : Mr.K.Raja
Standing Counsel

ORDER

The present writ petition has been filed challenging the enquiry notice issued by the respondent authorities as against the writ petitioner, who is a Driver in the Transport Corporation.

2. The petitioner has contended that the Enquiry Officer is not a legally trained person and he has prayed for appointment of an Advocate as an Enquiry Officer. He has further contended that the Management has reserved their right to let in any evidence or retain any evidence.



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3. A perusal of the affidavit shows that the petitioner is seeking to appoint an Advocate as an Enquiry Officer. The appointment of the Enquiry Officer is clearly within the realm of the Management. In case, if the Management is being represented by a legally trained person, only in such cases, the petitioner would be entitled to have the Assistance of an Advocate. That apart, the Management may examine any witness or may not examine any witness on their side. It is for the petitioner to let in evidence on his side as a defence. Therefore, this Court does not find any reason to interfere in the appointment of Enquiry Officer.

4. In view of the above said facts, there are no merits in the present writ petition. This writ petition stands dismissed. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions stand closed.

01.11.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes
BTR



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R.VIJAYAKUMAR, J.

BTR

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