



WA No.66 of 2011

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.09.2024

CORAM

THE HON'BLE MR.JUSTICE S.S.SUNDAR

AND

THE HON'BLE MR.JUSTICE K.RAJASEKAR

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1.Tamil Nadu State Transport Corporation,
Madurai DN III Ltd., Nagercoil,
rep. by its Chairman

2.The Managing Director,
Tamil Nadu State Transport Corporation,
Madurai DN III Ltd., Nagercoil : Appellants

versus

1.N.Sakthirajan (died)

2.Vimala

3.Kavitha Suresh Kumar

4.Shanmugapriya

5.Arthi

: Respondents

(respondents 2 to 5 substituted as legal heirs
of deceased sold respondent vide order of
Court dated 01.07.2024 in CMP No.12913/2024)

Prayer: Appeal filed against the order dated 03.08.2010 in WP
No.18716 of 1998.



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For the Appellants : Mr.C.Gauthamaraj

For the Respondents : Mr.M.A.Abdul Wahab

JUDGMENT

(Made by S.S.SUNDAR, J.)

This writ appeal is directed against the order of learned Single Judge in W.P.No.18716 of 1998, dated 03.08.2010.

2. The original writ petitioner was working as Chief Accounts Officer in the erstwhile Nesamani Transport Corporation, which is now re-christened as the Tamil Nadu State Transport Corporation. The writ petitioner faced charge memo for failing to destroy tickets earmarked for destruction and other consequential charges. Pursuant to the charge memo, an inquiry officer was appointed, and a retired Subordinate Judge held inquiry. Based on the inquiry report, punishment of stoppage of increment for one year with cumulative effect was imposed on the writ petitioner. Challenging the same, writ petition in WP No.18716 of 1998 was filed.

3. Learned Single Judge after considering the entire records,



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came to the conclusion that the charges levelled against the writ petitioner are vague and that principles of natural justice was not adhered to in the whole proceedings. Learned Single Judge has also given a definite finding that the enquiry conducted was not only irregular but also suffered from illegality for the reason that charge memos in respect of three employees were clubbed together and a joint inquiry was conducted by recording common evidence.

4. Learned Single Judge also considered whether the appellant – Transport Corporation should be given liberty to conduct a fresh inquiry after issuing fresh charge memo. Having regard to the specific finding on irregularity and lack of particulars, learned Single Judge refused to give liberty to the appellant to proceed afresh. Challenging the same, the respondent in the writ petition, viz., the Transport Corporation has filed the present writ appeal.

5. Even though learned counsel for the appellant Transport Corporation has raised several grounds, the major issue is whether the charge memo is vitiated on the ground of any irregularity. On a perusal of the records, this Court finds that the Inquiry officer



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conducted joint inquiry in respect of three employees and submitted a joint report. Evidence let in by one of the delinquent was used against the other delinquents and similarly, witness examined as against one delinquent was used against other delinquents. Learned Single Judge is right in holding that the charges are vague and therefore, the whole inquiry is vitiated because of violation of the principles of natural justice.

6. It is reported that the original writ petitioner is no more and the appellant Transport Corporation has impleaded the legal heirs of the deceased employee, in this appeal. In such circumstances, this Court is not inclined to interfere with the order of learned Single Judge setting aside the punishment imposed on the writ petitioner.

7. This writ appeal is, therefore, dismissed. There will be no order as to costs. Consequently, M.P.No.1 of 2011 is closed.

(S.S.S.R., J.) (K.R.S., J.)
09.09.2024

Index : Yes/No
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AND

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