



W.P.No.24387 of 2010

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 18.01.2024

CORAM:

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

W.P.No.24387 of 2010
and M.P.No.1 of 2010 & 1 of 2011

T.Thirumoorthy

....Petitioner

Vs

1. The Managing Director,
Metropolitan Transport Corporation,
Pallavan House,
Annasalai, Chennai.

2. The Additional Managing Director,
Metropolitan Transport Corporation,
Pallavan House,
Annasalai, Chennai

.... Respondents.

PRAYER: Writ Petition is filed under Article 226 of Constitution of India, pleaded to issue a Writ of Certiorarified Mandamus, calling for the records of the 2nd respondent in proceedings order N.9298/SAPI (oNA)2/mapo/2007 dated 04.02.2010 and quash the same.

For Petitioner : Mr. N.S.Subram
for Mr.B.Nedunchezhiyan



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For Respondents : Mr. R.Balaji

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ORDER

The Writ Petition has been filed to call for the records of the 2nd respondent in proceedings order No.9298/SAPI (oNA)2/mapo/2007 dated 04.02.2010 and quash the same.

2. Petitioner was a driver working in Chennai Metropolitan Transport Corporation at Vyasarpadi Depot. On 02.03.2007 at about 14 hrs., Mr.Selvaraj who was working as Checking Inspector at Section -I (Control Section), Vyasarpadi Depot had given a false complaint against the petitioner alleging that he took away the control chart from the depot and tore it into pieces. For the said incident, he was temporarily suspended for seven days from 22.03.2007 and then joined duty. Petitioner was served with show cause notice on 02.04.2007 in Memo No.9298/Sa/Pi(ONa)8/mapoo/2007 calling for his explanation. He submitted his reply on 02.04.2007. On 03.09.2009, enquiry was conducted and he denied all the charges. On 04.02.2010, Additional Managing Director in his proceedings order No.9298/SaBi(ONA)2/MAPO/2007 passed the final order imposing punishment as “ Lowered his pay for 3 years at the level of pay fixed for newly appointed drivers”. He preferred an



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appeal before Additional Managing Director on 30.03.2010 stating all the facts. However, his appeal was rejected on 07.05.2010, necessitating filing of this petition.

3. The learned counsel for the petitioner seeks time.

4. In response, learned counsel for the respondent submitted that, petitioner filed appeal against the punishment imposed and that appeal was rejected on 07.05.2010. Instead of challenging the rejection of appeal order dated 07.05.2010, petitioner filed Writ Petition challenging the order imposing punishment in Order No.9298/SaBI(ONa)2/MAPO/2007 dated 04.02.2010 and that is not correct. That apart, petitioner has to approach labour Court in this regard. But, without approaching the Labour Court, petitioner had directly filed this Writ Petition.

5. Considered the rival submissions and perused the records. As rightly pointed out by the learned counsel for the respondents that, petitioner has stated in his affidavit filed in this Writ Petition that he preferred an appeal before the Additional Managing Director on



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30.03.2010 against the order of punishment imposed in Order No.9298/SaBI (Ona) 2/MAPO/2007 dated 04.02.2010. That apart, that appeal was rejected on 07.05.2010. Instead of challenging the order rejecting the appeal, petitioner filed Writ Petition challenging the order imposing punishment in Order No.9298/SaBI (Ona) 2/MAPO/2007 dated 04.02.2010. This is obviously not correct and in accordance with law. That apart, without approaching the Labour Court, petitioner has directly filed this petition, which is not permissible. Further, it is seen from the order imposing punishment that, petitioner is a regular offender and he was punished nine times earlier for various misconducts. Therefore, this Court finds no merits to entertain this petition.

6. Accordingly, this Writ Petition is dismissed. Parties are directed to bear their own costs. Consequently, connected miscellaneous petitions are closed.

18.01.2024

Index :Yes/No
Internet:Yes/No
Sma



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To

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Metropolitan Transport Corporation,
Pallavan House,
Annasalai, Chennai.
2. The Additional Managing Director,
Metropolitan Transport Corporation,
Pallavan House,
Annasalai, Chennai



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G.CHANDRASEKHARAN, J
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