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W.P.No.3199 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.08.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.3199 of 2020 and
WMP.No.3712 of 2020

C.Selvaraju

... Petitioner

Vs.

- 1.Tamilnadu State Transport Corporation (Salem) Ltd.,
Rep. By its Managing Director,
12, Ramakrishna Road,
Salem 636 007
- 2.The General Manager,
Tamilnadu State Transport Corporation (Salem) Ltd.,
Head Office, Salem Region,
12, Ramakrishna Road,
Salem 636 007
- 3.The Branch Manager,
Tiruchengode Branch,
Tamilnadu State Transport Corporation(Salem) Ltd.,
Salem Division,
Tiruchengode,
Namakkal District

... Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India praying to issue a writ of certiorari calling for the records relating to the show cause notice in Ku.No.536-143/18-D5-TNSTC (Salem) 2018 dated 28.01.2010 on the file of the 2nd respondent, quash the same.



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For Petitioner : Mr.V.Elangovan

For Respondents : Mr.M.Ashwin,
Standing Counsel

ORDER

This writ petition has been filed challenging the show cause notice issued by the second respondent dated 28.01.2020.

2. The petitioner is working as Conductor in the respondents' Transport Corporation since 14.08.2007. While being so, the petitioner involved in union activities and had given voice for labour rights as well as consumer rights. Therefore, the management had developed vindictive attitude towards the petitioner. In the result, the petitioner was transferred on three occasions. While being so, the petitioner was not allotted any duty from 05.07.2018 although he was reporting for duty. Therefore, the petitioner filed writ petition before this Court in WP.No.24900 of 2018 to consider the representation submitted by the petitioner. Thereafter, the petitioner came to knowledge that he was transferred, that too without serving any copy of the transfer order. It was produced before this Court and the same was also challenged in WP.No.27862 of 2018. This Court passed interim order not to relieve the petitioner from the said post. While



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being so, the petitioner was served with the impugned show cause notice dated 28.01.2020 annexing the enquiry report.

3. On perusal of the enquiry report, revealed that the petitioner was served with notice for domestic enquiry, in which the petitioner failed to appear. Therefore, he was set *ex parte* and issued the second show cause notice. For the past four years, the writ petition is pending without filing any counter. Further, the show cause notice also does not reveal that the petitioner was issued with show cause notice and he was called for enquiry. In fact, enquiry report does not consist of any charge.

4. In view of the above, the impugned show cause notice cannot be sustained and the same is liable to be quashed. Accordingly, the impugned show cause notice dated 28.01.2020 on the file of the second respondent is quashed. The second respondent is at liberty to issue fresh notice for conducting domestic enquiry and, after completion of domestic enquiry, to issue second show cause notice.

5. With the above direction, this writ petition stands allowed.



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Consequently, connected miscellaneous petition is closed. There shall be
no order as to costs.

13.08.2024

Neutral citation: Yes/No
Index: Yes/No
Speaking/Non-speaking order
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To
1.Managing Director,
Tamilnadu State Transport Corporation (Salem) Ltd.,



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- 12, Ramakrishna Road,
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- 2.The General Manager,
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Salem 636 007
- 3.The Branch Manager,
Tiruchengode Branch,
Tamilnadu State Transport Corporation(Salem) Ltd.,
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G.K.ILANTHIRAIYAN, J.

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