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W.P.No.10198 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.04.2024

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.10198 of 2024
and W.M.P.No.11252 of 2024

Karthikeyan

.. Petitioner

Versus

1. The Managing Director,
Tamil Nadu State Transport
Corporation (Salem) Limited,
12, Ramakrishna Salai,
Salem - 636 007.
 2. The General Manager,
Tamil Nadu State Transport Corporation (Salem) Ltd.
Dharmapuri Division,
Dharmapuri.
 3. The Enquiry Officer,
Tamil Nadu State Transport Corporation (Salem) Ltd.
Dharmapuri Division,
Bharathipuram,
Dharmapuri - 636 705.
- .. Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, pleaded to issue a Writ of Mandamus, directing the 2nd and 3rd respondents to furnish the copies of the documents sought for in the representation of the petitioner, dated 09.01.2024, 28.02.2024 and 09.03.2024 and consequently,



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forbearing the 3rd respondent from conducting domestic enquiry based on the enquiry notice, dated 02.04.2024 in No.293/4405/T5/TNSTC/2023 issued by the 2nd respondent till the furnishing of the copies of the said documents.

For Petitioner : Mr.G.Pugazhenth

For Respondents : Mr.K.Raja,
Standing Counsel

ORDER

This Writ Petition is filed seeking for a direction to the respondent Nos.2 and 3 to furnish copies of the documents sought for by the petitioner vide his representations, dated 09.01.2024, 28.02.2024 and 09.03.2024 and consequently, forbearing the third respondent from conducting domestic enquiry based on the enquiry notice, dated 02.04.2024 issued by the second respondent till the furnishing of the copies of the documents.

2. The petitioner is employed as a Driver in the respondent Corporation. While so, he has stopped reporting for duty with effect from 29.10.2023. Even as on today, he is not reporting for duty. Therefore, a charge memorandum, dated 29.12.2023 was issued against him levelling a charge of unauthorised absence. During the Disciplinary Enquiry alone, the petitioner is appearing before the respondents and sought for 12 documents



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which are mentioned in his representations. Since the said documents are not furnished, the petitioner is coming by way of this Writ Petition.

3. If the petitioner is not reporting for duty without any justifiable reason, then, no exception can be taken by the respondents issuing charge memorandum and proceeding with the Disciplinary Enquiry. Accordingly, the Disciplinary Enquiry has to be proceeded with. However, if the delinquent employee seeks for the documents and if the said documents are relatable to the charge and are available with the respondents, the same shall be furnished to the petitioner. If the documents are not available, the same shall be informed to the petitioner in writing and thereafter, the enquiry be proceeded with.

4. In view thereof, this Writ Petition is disposed of on the following terms :-

(i) The respondents shall pass orders on the representations of the petitioner, dated 09.01.2024, 28.02.2024 and 09.03.2024 by furnishing available and relevant documents and by giving a suitable reply in respect of the other documents and proceed with the Disciplinary Enquiry;



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(ii) Such exercise shall be carried out by the respondents within a period of two weeks from the date of receipt of a copy of this order and thereafter, proceed with the enquiry;

(iii) The petitioner shall co-operate for the expeditious conduct of the enquiry and in any event, the respondents shall complete the enquiry and pass final orders within a period of three months from today;

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

12.04.2024

Index : yes

Speaking order

Neutral Citation : no

grs

To

1. The Managing Director,
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Corporation (Salem) Limited,
12, Ramakrishna Salai,
Salem - 636 007.
2. The General Manager,
Tamil Nadu State Transport Corporation (Salem) Ltd.
Dharmapuri Division,
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3. The Enquiry Officer,



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Tamil Nadu State Transport Corporation (Salem) Ltd.
Dharmapuri Division,
Bharathipuram,
Dharmapuri.



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D.BHARATHA CHAKRAVARTHY, J.

grs

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