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W.P. No. 13019 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.08.2024

CORAM

THE HONOURABLE MR.JUSTICE BATTU DEVANAND

W.P. No. 13019 of 2018

and

W.M.P. No. 15298 of 2018

N. Mathu

... Petitioner

Vs.

1.The General Manager,
Tamilnadu State Transport Corporation
(Coimbatore Division) Ltd.,
37, Mettupalayam Road, Coimbatore – 641 043.

2.The Enquiry Officer,
Tamilnadu State Transport Corporation
(Coimbatore Division) Ltd.,
37, Mettupalayam Road, Coimbatore – 641 043.

3.Velingkirisamy

... Respondents

Writ petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to direct the first and second respondents to complete the enquiry proceedings in Va.Yen.1/G3/755/Tha Na Po Ka/ 2016 within the time frame and to withhold the retirement benefits of third respondent till the completion of enquiry proceedings.

For Petitioner : Mr. Gokula Krishnan
for Mr. R.Y. George Williams

For Respondents : Mr. A. Sundaravadanam, for RR1 & 2



W.P. No. 13019 of 2016

ORDER

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This Writ Petition has been filed seeking a direction to the first and second respondents to complete the enquiry initiated against the petitioner vide proceedings in Va.Yen.1/G3/755/Tha Na Po Ka/ 2016 within the time frame and to withhold the retirement benefits of the third respondent till the completion of enquiry proceedings.

2. The case of the petitioner is that, the petitioner was working as a Driver in the respondent Corporation. On 10.02.2016, while the petitioner was on duty in the bus bearing No. TN 38 N 1231, in the route from Coimbatore to Tiruppur, at 4.55 p.m., when the bus was at Tirupur old bus stand, two Checking Inspectors have monitored the bus and they were noticed that the private service RKG bus driver was holding Rs.140/- in his left hand and stopped his vehicle near to the backside of the driver seat and put the money of Rs.140/- in the first seat. RKG bus driver has informed to the petitioner through some hand actions and the petitioner was trying to take the money from that seat. At that time, two Checking Inspectors enquired the petitioner and he replied that he did not know how the money comes into the bus. Eliciting that the above money of Rs.140/- was given by RKG bus driver is purely for not making any interruption in timing to operate as his own without following the time and schedule that the private service operating in between the time of respondent corporation bus. As these kind of offences are coming under the head



14(d) (i) (e) (k) followed standing orders of the respondent corporation, the petitioner was suspended from the service from 12.02.2016 to 12.03.2016 and suspension order was revoked from 13.03.2016 and ordered to join duty on 13.03.2016. On 15.02.2016, the petitioner was served a charge memo. Seeking to complete the enquiry proceedings, the petitioner approached this Court by filing this writ petition.

3. In the counter affidavit filed on behalf of the respondents, it is averred that the domestic enquiry was conducted against the petitioner and it is found that the charges against the petitioner has been proved. Basing on the enquiry report, a memo dated 11.10.2019 has been issued to the petitioner and the petitioner submitted his explanation on 07.11.2019. After carefully examining the same, as the competent authority did not satisfy with the explanation, punishment was imposed against the petitioner for postponing annual increment two years with cumulative effect and 30 days of suspension from 12.02.2016 to 12.06.2016 was treated as leave based on the leave credit in his leave account. It is also stated in the counter that, the petitioner was given a chance for filing appeal before the Managing Director of respondent corporation.



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4. Basing on the averments of the counter, the learned Standing Counsel for the respondents submit that already the respondents have completed the enquiry proceedings and as such, nothing survives in this writ petition for further adjudication.

5. Having considered the facts and circumstances of the case, admittedly, this writ petition has been filed by the petitioner seeking to complete the enquiry initiated against him by the respondents. Now, as per the averments made in the counter affidavit filed by the respondents, it is established that the enquiry was completed and punishment was imposed to the petitioner for postponing annual increment two years with cumulative effect and he was accorded an opportunity to file an appeal before the appellate authority, if he so aggrieved.

6. Under these factual position, in our considered view, as already enquiry is completed, no further adjudication is required in this writ petition.

7. Accordingly, this Writ Petition is dismissed.



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

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Index :Yes/No

Neutral Citation :Yes/No

AT

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BATTU DEVANAND, J.

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