



W.P.No.15693 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.06.2024

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.15693 of 2024
and WMP.No.17104 of 2024

S. Malaivasan

... Petitioner

Vs

1. The General Manager
(Administration)
Puducherry Road Transport
Corporation Limited,
Raja Nagar, Puducherry.
2. The Assistant Branch Manager
Puducherry Road Transport
Corporation Limited,
Depot, Raja Nagar,
Puducherry.
3. Kulandaivelu
4. P. Ravi
5. R.S.Mohan
Respondents

...



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, pleaded to issue a Writ of Certiorari calling for the records relating to the impugned order dated 29.05.2024 passed in Ref.No.17/PRTC/CHE/REP/2024/158 on the file of the 1st respondent herein and quash the same.

For Petitioner : Mr.K. Govi Ganesan

For Respondents : Mr.R.Sreedhar
Standing Counsel for R1 & R2

ORDER

This writ petition is filed for issuance of a Writ of Certiorari calling for the records relating to the impugned order dated 29.05.2024 passed in Ref.No.17/PRTC/CHE/REP/2024/158 on the file of the 1st respondent herein and quash the same.

2. The case of the petitioner is that the petitioner is working as a Conductor under the 1st respondent Corporation. While so, by an order dated 29.04.2024, even while the Disciplinary Proceedings is contemplated, the petitioner was placed under suspension and also imposed a fine of



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Rs.500/-. No enquiry what so ever was conducted against the petitioner and the petitioner does not even know what the allegation was alleged against him. Even in the impugned order nothing is mentioned. Aggrieved by the same, the petitioner has come forward with the present writ petition.

3. Even though the writ petition came up for admission, Mr.Sreedhar, learned Standing Counsel who takes notice on behalf of the respondents 1 & 2 submitted that it is true that the petitioner was sought to be suspended only in contemplation of the Disciplinary Proceedings and the imposition of fine by impugned order is incorrect. He would submit that this Court would set aside the impugned order only to the said effect.

4. Heard both sides and perused the materials available on record.

5. The impugned order smacks non application of mind on the part of the authorities. The respondent authorities if necessary considering the seriousness of the charge can place the petitioner under suspension in contemplation of Disciplinary Proceedings. But the misconduct has to be



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framed by way of charges and it has to be put across the petitioner and only after hearing the petitioner if it is a minor punishment and only after conducting a detail oral enquiry if it is a major punishment, the punishment can be imposed. By the impugned order, the composite order of suspension/imposition of fine was passed. Therefore, the same is patently illegal. As argued by the learned Standing Counsel for the respondents 1 & 2 impugned order cannot be partly up held in as much as it smacks complete non application of mind. In view thereof, this writ petition is allowed on the following terms:-

(i) The impugned order dated dated 29.05.2024 passed in Ref.No.17/PRTC/CHE/REP/2024/159 shall stand quashed. However, the respondents will be at liberty to apply their mind a fresh and issue fresh orders if they choose to. No costs. Consequently, connected miscellaneous petition is also closed.

18.06.2024

Neutral Citation : yes/no
dpq



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To

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Corporation Limited,
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2. The Assistant Branch Manager
Puducherry Road Transport
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D. BHARATHA CHAKRAVARTHY, J.



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