



W.P.No.18574 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.10.2024

CORAM:

THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

W.P.No.18574 of 2020

and

W.M.P.No.23033 of 2020

K.Murugesan

....Petitioner

Vs

1. The Managing Director,
Tamil Nadu State Transport Corporation (Salem) Ltd.,
Salem 636 007.

2. The General Manager,
TamilNadu State Transport Corporation (Salem) Ltd.,
Dharmapuri Region,
Dharmapuri – 636 705.

....Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India, pleased to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned order passed by 2nd respondent herein in his pro.No.987/6739/D3/TNSTC/2018 dated 28.02.2019, quash the same as unsustainable and consequently direct the respondents herein to grant all service and monetary benefits including Deepavali Bonus due and payable from the year 2015-16 to the petitioner.

For Petitioner : Mr.R.Thamaraiselvan
For Respondents : Mr.M.Aswin



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ORDER

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The instant Writ Petition has been filed challenging the impugned punishment order dated 28.02.2019.

2. The learned counsel for the petitioner would submit that, he was initially appointed as Reserve Crew in Metropolitan Transport Corporation (Chennai) Ltd., by the proceedings dated 24.10.2007 and he was permanently transferred to Tamilnadu State Transport Corporation (Salem) Ltd., Dharmapuri, since then he has been serving in Hosur Branch.

3. The learned counsel for the petitioner would further submit that, while he was serving in Pennagaram Branch, he was placed under suspension on 28.10.2018, subsequently by a farce domestic enquiry, charges were found to be proved. Based upon the Enquiry Report, punishment was imposed against him for withholding of increment for three years with cumulative effect. It is the specific contention of the learned counsel for the petitioner that, principles of natural justice was not followed, and that the document which he sought for from the Department was not furnished. In such a background, he would contend that the ultimate order of punishment is liable to be interfered with.



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4. Per contra learned counsel appearing for the respondents would submit that the documents which the petitioner sought for has been furnished, and that all the procedures were duly followed, and sufficient opportunity were given to the petitioner. Accordingly, if at all the petitioner challenges the punishment order, he ought to have raised an Industrial Dispute, therefore the instant Writ Petition is not maintained.

5. It have given my anxious consideration to both side submissions.

6. The main contention put forth by the learned counsel for the petitioner, is about the non following of natural justice, by not furnishing the following documents (i) Trip/log Sheet (ii) Drivers report and (iii) Passengers report. But in contrast, the learned counsel for the respondent has filed typeset, wherein the petitioner has acknowledged the receipt of those documents. Therefore, it is abundantly clear that, the documents sought for by the petitioner was furnished to him. But he again contended that the alleged acknowledgment was obtained by coercion. The defence of coercion is question of fact, which needs evidence and documents to prove the same. But such factual contention could not be adjudicated before the Writ Court. Accordingly, this Court do not find any merits in the present



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7. In the result, the Writ Petition is dismissed. However, petitioner is given liberty to challenge the impugned order dated 28.02.2019 before the appropriate forum in accordance with law. Consequently, the connected miscellaneous petition stands closed. No costs.

19.10.2024

Index :Yes/No
Neutral Citation : Yes
Speaking order : Yes
Sma

To

1. The Managing Director,
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Salem 636 007.
2. The General Manager,
TamilNadu State Transport Corporation (Salem) Ltd.,
Dharmapuri Region,
Dharmapuri – 636 705.



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C.KUMARAPPAN, J

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