



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22-07-2024

CORAM

**THE HONOURABLE MR.JUSTICE S.M. SUBRAMANIAM
And
THE HONOURABLE MR. JUSTICE C.KUMARAPPAN**

**WA Nos.2696 and 2698 of 2021
And
CMP Nos.17457 and 17460 of 2021**

1.Tamil Nadu State Transport Corporation
(Villupuram) Ltd., Represented by its
Managing Director,
Valudha Reddy Post,
Villupuram-605 602.

2.The General Manager,
Tamil Nadu State Transport Corporation
(Villupuram) Ltd.,
Vazhudhareddy,
Villupuram.

... Appellants in both WAs

-VS-

G.Kesavan

... Respondent in both WAs

Writ Appeals are preferred under Clause 15 of the Letters Patent against the order of this Court made in WP Nos.15007 and 15008 of 2013 dated 02.12.2020.



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WA Nos.2696 and 2698 of 20



For Appellants in both WAs : Mr.M.Aswin

For Respondent in both WAs : Mr.V.Ajoy Khose

COMMON JUDGMENT

[COMMON JUDGMENT OF THE COURT WAS DELIVERED

BY S.M.SUBRAMANIAM, J.]

The common order dated 02.12.2020 passed in WP Nos.15007 and 15008 of 2013 is under challenge in the present Writ Appeals.

2. The respondent was a workman served in the cadre of Senior Tradesman in the Tamil Nadu State Transport Corporation (Villupuram) Limited. A charge memorandum was issued on 12.08.2010 regarding the misconduct. The respondent-delinquent submitted representation to defend his case. But without furnishing the document, an enquiry notice was issued on 02.05.2011. Again the respondent addressed a letter to the Disciplinary Authority on 05.05.2011.



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3. Mr.V.Ajoy Khose, learned counsel appearing on behalf of the respondent-workman would contend that an ex parte enquiry was conducted on 30.05.2011 and on the same date second show cause notice was issued and on 31.05.2011, an order of punishment was imposed, even without affording opportunity to the respondent to submit his further objections on the findings of the Enquiry Officer. Thus the order of punishment is in violation of the Rules of Natural Justice.

4. Mr.M.Aswin, learned counsel for the appellants would oppose by stating that the respondent-workman had not availed the opportunity provided by the Corporation and he made an attempt to prolong the enquiry proceedings instead of contesting the same.

5. Thus the Authorities have served the Enquiry Officer's Report along with the show cause notice on 30.05.2011 and pass final orders on 31.05.2011. However, we find that the procedure followed by the appellants are not in accordance with the Disciplinary Rules. Thus the



findings of the learned Single Judge that the Rule of Natural Justice has been violated is supported by facts.

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6. Therefore, we are not inclined to interfere. More-so, the respondent-workman reached the age of superannuation on 31.05.2011 and he was allowed to retire from service and the punishment imposed on him is also seems to be minor.

7. That being so, the writ order impugned stands confirmed. Consequently, both the Writ Appeals are dismissed. However, there shall be no order as to costs. Consequently, the connected miscellaneous petitions are also dismissed.

(S.M.SUBRAMANIAM,J.) (C.KUMARAPPAN,J.)

22-07-2024

Index : Yes/No
Internet: Yes/No
Speaking order/Non-Speaking order
Neutral Citation : Yes/No
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To

1.The Managing Director,
Tamil Nadu State Transport Corporation
(Villupuram) Ltd.,
Valudha Reddy Post,
Villupuram-605 602.

2.The General Manager,
Tamil Nadu State Transport Corporation
(Villupuram) Ltd.,
Vazhudhareddy,
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AND
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