



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :05.08.2024

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH.,J

W.P.No.22530 of 2024

K.Duraisamy

.. Petitioner

Vs.

1. The Managing Director,
Metro Transport Corporation (Chennai Limit)
Anna Salai, Chennai 600 002

2. Senior Deputy Manager (HRD)
Metro Transport corporation (Chennai Limit)
Anna Salai, Chennai 600 002

.. Respondents

Prayer .: Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorari to call for the records in connection with the impugned order bearing reference No.7280/Sa.Pi(O.Na)14/Ma.Po.Ka/2017 dated 09.01.2024 issued by the 2nd respondent and quash the same.

For Petitioner : Mr.K.Krishnamoorthy

For Respondent : Mr.R.Balaji

Standing counsel for R1 and R2

ORDER

This writ petition has been filed challenging the proceedings of the 2nd respondent dated 09.01.2024.



2. The case of the petitioner is that he was a bus driver in the respondent corporation. An accident taken place. As a result of which, the passenger died. A charge memo was issued against the petitioner and an enquiry was also conducted. The enquiry officer held that the charge against the petitioner has been proved. Thereafter, the petitioner was called for to give an explanation. On receipt of the explanation, the 1st respondent passed an order dated 18.09.2021 by imposing punishment of postponement of increment for four years with cumulative effect.

3. The petitioner aggrieved by the above order filed WP No.34300 of 2022. This writ petition was disposed of by an order dated 06.06.2023 and the relevant portions are extracted hereunder :-

6. In the light of the submissions made, I had perused the impugned order of punishment of the second respondent herein. In the said order, the charges and the further proceedings have been extracted. Thereafter, the second respondent herein had referred to the further explanation rendered by the petitioner herein dated 13.07.2020 and had rejected the same in a single line stating that the ? explanation



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is not satisfactory?. A copy of the further explanation dated 13.07.2020 has also been produced before this Court, wherein, the petitioner had questioned the manner in which the enquiry report has been filed and also has made a reference to the evidence let in before the Enquiry Officer. The very purpose of which such a further explanation is called is to give opportunity to the delinquent to put forth his objections and consequently, there is a duty cast upon them to consider each and every ground raised in the further explanation and thereafter render finding. In the absence of the same, the order of punishment itself would stand vitiated and would also amount to a non-speaking order. If that be so, it would be appropriate to remit back the matter to the disciplinary authority for reconsideration of the petitioner-s further explanation.

7. In the light of the above findings, the impugned order No.7280/Sa.Pi(O.Na)14/Ma.Po.Ka/2017~1 issued by the 2nd respondent dated 29.04.2021 and the impugned order passed in appeal vide Memo



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No.7280/Sa.Pi(O.Na)14/Ma.Po.Ka/2017~1 issued by the 1st respondent dated 18.09.2021 are set aside insofar as it relates to the petitioner herein and the matter is remitted back to the second respondent. The second respondent shall consider all the grounds raised by the petitioner in his further explanation dated 13.07.2020 and pass appropriate orders by addressing all the grounds raised by the petitioner herein in case they choose to do so. Such final orders shall be passed atleast within a period of eight weeks from the date of receipt of a copy of this order.

With the above direction, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

4. Pursuant to the above order, the matter once again went before the 2nd respondent and the 2nd respondent was specifically directed to deal with the grounds raised by the petitioner and pass a reasoned order.



application of mind and therefore, the same is liable to be interfered by this

WEB COURT.

8. In the light of the above discussion, the impugned order passed by the 2nd respondent No.7280/Sa.Pi(O.Na)14/Ma.Po.Ka/2017 dated 09.01.2024 is hereby quashed. The matter is remanded back to the file of the 2nd respondent and the 2nd respondent is directed to take into consideration the explanation / grounds raised by the petitioner and strictly follow the earlier directions issued by this Court in WP No.34300 of 2022 dated 06.06.2023 and a final decision shall be taken within a period of six weeks from the date of receipt of a copy of this order.

9. In the result, this writ petition is allowed with the above directions. No costs.

05.08.2024

rka

Index : Yes /No

Internet :Yes /No

To

1. The Managing Director,
Metro Transport Corporation (Chennai Limit)



Anna Salai, Chennai 600 002

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2. Senior Deputy Manager (HRD)
Metro Transport corporation (Chennai Limit)
Anna Salai, Chennai 600 002

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