



WEB COPY



W.P.No. 8798 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.02.2024

CORAM

THE HONOURABLE MR.JUSTICE BATTU DEVANAND

W.P.No. 8798 of 2017
and
W.M.P.No.9648 of 2017

G. Govindaraj

... Petitioner

Vs.

1.Tamil Nadu State Transport Corporation,
Villupuram,
Represented by its Managing Director,
Villupuram.

2.The General Manager,
Tamil Nadu State Transport Corporation,
Villupuram.

... Respondents

Writ petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, to call for the records in Memo No.168738/SAO/TA/APAKA (V) VA.MA/2017, dated 24.02.2017 on the file of the second respondent and quash the same as illegal, incompetent, unconstitutional and without jurisdiction and thereby render justice.

For Petitioner : Mr. V. Raghavachari, Senior Counsel
for Mr. Ashwin Prasath

For Respondents : Mr. M. Aswin,
Standing Counsel



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ORDER

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This Writ Petition has been filed against the memo No.168738/SAO/TA/APAKA (V) VA.MA/2017 issued by the second respondent.

2. In the affidavit filed by the petitioner itself it is stated that the second respondent has issued show cause notice demanding the petitioner to pay Rs.84,158/- for the loss of ticket books and immediately on receipt of the said notice, the petitioner has submitted his explanation to them.

3. The grievance raised in this writ petition by the petitioner is that the second respondent has not passed any order nor conducted any enquiry.

4. On behalf of the respondents a counter affidavit has been filed wherein, it is stated that the show cause notice issued by the second respondent dated 24.02.2017, the petitioner herein has submitted his explanation on 24.03.2017. In the said letter, the petitioner stated that he lost ticket book worth of Rs.84,158/- while on duty on 01.02.2017 and he further stated that already he has remitted Rs.20,000/- on 21.02.2017 and for rest of Rs.64,158/- he accepted to deduct from his wages in installments for 50 months. It is further averred in the counter affidavit that upon such acceptance letter and undertaking made by the petitioner on 24.03.2017, the



respondents started recovery of the amount as accepted by the petitioner from April 2017 and the same was communicated to the petitioner. The respondents also passed final order dated 09.05.2017 warning the petitioner to be careful in future and petitioner also endorsed the same.

5. Now, during the course of hearing, the learned counsel for the petitioner is seeking time to file an amendment petition.

6. On perusal of the materials available on record, it appears, the writ petition has been filed only against the show cause notice and no stay was granted by this Court. During the pendency of the writ petition, the respondents passed final order dated 09.05.2017 considering the explanation submitted by the petitioner on 24.03.2017 to the show cause notice and the final order dated 09.05.2017 was received by the petitioner long back. As such, if the petitioner intends to file amendment petition, he ought to have filed it long back, besides this, as the respondents have passed final order pursuant to the show cause notice, the petitioner has to challenge the same if so advised to ventilate his grievances. But in this present writ petition, in my considered opinion, nothing survives at present.



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7. Accordingly, this Writ Petition is dismissed.

8. Consequently, connected miscellaneous petition is closed.

9. There shall be no order as to costs.

01.02.2024

Index :Yes/No

Neutral Citation :Yes/No

AT

To

1.The Tamil Nadu State Transport Corporation,
Villupuram,
Represented by its Managing Director,
Villupuram.

2.The General Manager,
Tamil Nadu State Transport Corporation,
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BATTU DEVANAND, J.

AT

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