



W.P.(MD)No.8835 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.04.2024

CORAM

THE HONOURABLE MS JUSTICE R.N.MANJULA

W.P.(MD)No.8835 of 2024

and

W.M.P.(MD).No.8050 of 2024

C.Viyagappandian

... Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Transport Corporation (Tirunelveli) Limited,
23/2, Thoothukudi Road,
V.M.Chathiram,
Kattabomman Nagar,
Tirunelveli District.

2.The General Manager,
Tamil Nadu State Transport Corporation (Tirunelveli) Limited,
Vannarapet,
Tirunelveli District.

3.The Assistant Manager (Disciplinary),
Tamil Nadu State Transport Corporation (Tirunelveli) Limited,
Tirunelveli Division,
Tirunelveli District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, forbearing the respondents from proceedings further against the petitioner in any manner in pursuance of the charge memo dated 22.02.2024 without conducting enquiry Standing Order 21 in pursuance of the petitioner's complaint dated 20.06.2023 to the second respondent.



W.P.(MD)No.8835 of 2024

For Petitioner : Mr.N.Shanmuga Selvam

For R-1 and R-2 : Mr.D.Jebaraj
Standing Counsel

For R-3 : Mr.S.C.Herold Singh

ORDER

This Writ Petition has been filed for issuance of Writ of Mandamus, from forbearing the respondents from proceeding further against the petitioner in any manner in pursuant to the charge memo dated 22.02.2024 issued without conducting enquiry to the complaint of the petitioner dated 20.06.2023.

2. Heard Mr.N.Shanmuga Selvam, learned counsel for the petitioner, Mr.D.Jebaraj, learned Standing Counsel for the respondents 1 and 2 and Mr.S.C.Herold Singh, learned counsel for the third respondent.

3. Mr.N.Shanmuga Selvam, learned counsel for the petitioner, submitted that the petitioner had already given a complaint to the second respondent on 20.06.2023 stating that the brake system in the vehicle handled by him was not proper and that it has to be attended. But on perusal of the complaint, the petitioner has stated so many other things than the improper brake in the



W.P.(MD)No.8835 of 2024

vehicle. However, in the charge memo it is alleged that the vehicle was checked and found that there was some brake issues. When the petitioner was asked to handle some other vehicle he refused to take and insisted that only if the brake issue is attended, he would resume his work and he will not take any other alternate vehicle.

4. The Standing Order 21 of Tamil Nadu State Transport Corporation, Tirunelveli Limited, would state that any of the grievances brought by an employee has to be attended. But that will not give any right in favour of the petitioner to dictate terms that he would only handle the vehicle of his choice and disobey the order of his superiors.

5. The allegations of the petitioner are beyond the scope of the complaint filed by him and he was also asked to appear before the enquiry committee during various hearings and he did not opt to make his appearance and submit his explanation, but had only chosen to come to this Court to file this Writ Petition. The contention of the charge memo and the allegations made are beyond the scope of the complaint given by the petitioner. Hence, I feel the petitioner cannot seek shelter under Standing Order 21. However, the enquiry against the petitioner will not stand in the way of looking into the complaint of



W.P.(MD)No.8835 of 2024

the petitioner. It is equally so that the complaint of the petitioner is not a hurdle to the pending enquiry proceedings. Hence, the enquiry proceedings shall not be stalled.

6. With the above observations, this Writ Petition is **disposed of**. No costs. Consequently, connected miscellaneous petition is closed.

08.04.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
Nsr

To:

- 1.The Managing Director,
Tamil Nadu State Transport Corporation (Tirunelveli) Limited,
23/2, Thoothukudi Road,
V.M.Chathiram,
Kattabomman Nagar,
Tirunelveli District.
- 2.The General Manager,
Tamil Nadu State Transport Corporation (Tirunelveli) Limited,
Vannarapet,
Tirunelveli District.
- 3.The Assistant Manager (Disciplinary),
Tamil Nadu State Transport Corporation (Tirunelveli) Limited,
Tirunelveli Division,
Tirunelveli District.



WEB COPY



W.P.(MD)No.8835 of 2024

R.N.MANJULA, J.

Nsr

W.P.(MD)No.8835 of 2024

08.04.2024