



WP(MD) No.17772 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **31.07.2024**

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD)No.17772 of 2024

R.Sirumbannan

... Petitioner

Vs.

The General Manager,
Tamilnadu State Transport
Corporation (Kumbakonam) Ltd.,
Thirumanilaiyur,
Karur Division,
Karur.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus to call for records pertaining to the impugned charge Memo dated 11.07.2024 and set aside the same as illegal and direct the respondent to confer the benefits hitherto.

For Petitioner : Mr.K.Muthu Ganesa Pandian

For Respondent : Mr.K.Ramaiah

Standing Counsel



WP(MD) No.17772 of 2024

WEB COPY

ORDER

The petitioner has filed this Writ Petition challenging the impugned charge Memo dated 11.07.2024 issued by the respondent with a consequential direction to the respondent to confer the benefits.

2. Heard the learned counsel on either side.

3. By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

4. The learned counsel appearing for the petitioner submitted that the petitioner, who was inducted as Technical Employee in the respondent Corporation from the year 1997 onwards formed a Union in the name of Sentharakai Arasu Pokkuvarathu Tholilalarkal Sangam, which is a registered one, wherein the petitioner is designated as State Treasurer. During the period from 04.01.2022 to 20.01.2022, the petitioner has availed medical leave due to viral fever. He extended the period of medical leave from 21.01.2022 to 07.02.2022. The petitioner informed his leave in a proper manner.



WP(MD) No.17772 of 2024

WEB COPY

5. The learned counsel appearing for the petitioner further submitted that since the period from 05.01.2022 to 07.02.2022 was shown that the petitioner was absent, a writ petition in WP(MD)No. 15233 of 2022 was filed with regard to the said issue. Thereafter, the petitioner was given with the punishment of reduction of payment. A writ petition was filed challenging the same and by virtue of an order passed therein, this Court set aside the order of punishment which was ended in dismissal of SLP filed by the respondent before the Hon'ble Supreme Court.

6. The learned counsel appearing for the petitioner also submitted that for the malafide reasons attributed by the respondent, the petitioner has lodged a complaint before the Deputy Commissioner of Labour, Dindigul, wherein final hearing of the case was fixed on 16.05.2024 and the petitioner had also participated. The charge memo has been issued with previous motive in order to discourage from making his active participation in the Union. Hence, he sought for quash of the charge memo dated 11.07.2024.



WP(MD) No.17772 of 2024

WEB COPY

7. On perusal of the materials available on record, it is seen that the charge memo was issued stating that during the medical leave period, the petitioner participated in the case conducted in the Office of the Deputy Commissioner of Labour and that he made false statements in the explanation offered by him. At this juncture, the petitioner cannot state the reason of previous motive, as he has subjected himself to the disciplinary proceedings. The very charges are about the lack of genuinity in availing the medical leave. Hence, it is for the petitioner to render proper explanation and to clear the charges against him.

8. With the above observations, this Writ Petition is disposed of.

No costs.

31.07.2024

NCC: Yes/No
Index : Yes/No
sm



WEB COPY



WP(MD) No.17772 of 2024

R.N.MANJULA, J.

sm

Order made in
W.P.(MD)No.17772 of 2024

31.07.2024