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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.09.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.21354 of 2024

M.Saminathan

... Petitioner

Vs.

1.The General Manager,
Tamil Nadu State Transport Corporation,
(Kumbakonam) Limited,
Karur Region,
Karur District.

2.The Enquiry Officer,
The Tamil Nadu State Transport Corporation,
(Kumbakonam) Limited,
Karur Region,
Karur District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of Mandamus, to direct the Respondents herein to permit the petitioner to be assisted by an Advocate of Petitioner's choice in the disciplinary proceedings initiated by the Respondent No.1 herein by issuing a charge memo in Ref.No.TNSTC / KRR/ DS - 3639 / FAT01/D1-9250/2024 dated 21.05.2024.

For Petitioner : Mr.D.Siva Raman

For Respondents : Mr.K.Jagadees balan
Standing Counsel



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ORDER

The instant writ petition has been filed by a Driver of the respondent transport corporation, seeking a mandamus as against the employer to permit him to be assisted by an Advocate of his choice in the disciplinary proceedings.

2. According to the learned Counsel appearing for the writ petitioner, the petitioner was issued with a charge memo dated 21.05.2024 and a practising advocate namely Mr. Packiaraj has been appointed as an Enquiry Officer. In view of the said appointment, the petitioner has made a request on 23.08.2024, seeking permission of the management to get the assistance of an advocate in the disciplinary proceedings. Since the said request has not been considered, the present writ petition has been filed.

3. The learned Standing Counsel appearing for the respondents submits that the management has decided to recall the appointment of an Advocate as Enquiry Officer by way of proceedings dated 10.09.2024 and they will be appointing some other person as an Enquiry Officer. In view of the said proceedings, this Court is of the considered view that the question of considering the request of the writ petitioner for having the assistance as an advocate in the departmental proceedings does not arise.



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4. In case, if the Management engages any legally trained person either as an Enquiry Officer or the Presiding Officer, the petitioner is at liberty to revive his request to seek the assistance of an Advocate. Till such time, the petitioner would be entitled to have an assistance of any serving employee of the transport corporation to assist him in the disciplinary proceedings.

5. With the above said observations, this writ petition stands disposed of.

No costs.

11.09.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
RJR



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R.VIJAYAKUMAR, J.

RJR

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