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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.11.2024

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP(MD)No.23824 of 2022
and
WMP(MD)Nos.17907, 17909 of 2022

Sirumbannan .. Petitioner

v.

1.The Managing Director,
Tamil Nadu State Transport Corporation
(Kumbakonam Ltd),
Kumbakonam.

2.The General Manager,
Tamil Nadu State Transport Corporation
(Kumbakonam Ltd),
Karur Region,
Karur – 639 003.

3.The Branch Manager,
Tamil Nadu State Transport Corporation
(Kumbakonam Ltd),
Karur Region,
Karur – II Branch,
Karur. .. Respondents

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PRAYER: Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorari calling for the records relating to the impugned order passed by the second respondent in TNSTC/KRR/DS-1363/FRG017/D1-7964/2022 dated 03.03.2022 and quash the same.

For Petitioner : Mr.K.Muthu Ganesa Pandian
for Mr.D.Anbarasu

For Respondents : Mr.K.Jegadees Balan
Standing Counsel

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ORDER

This writ petition is filed challenging the charge memo dated 03.03.2022.

2.Learned Counsel for the respondents submitted that the enquiry was already commenced and the enquiry officer has posted the enquiry on 26.03.2022 for the appearance of the petitioner. Without appearing before the enquiry officer, the petitioner has filed this writ petition and is dragging the proceedings.

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3.It is a settled position that a mere charge sheet or show cause notice does not give rise to any cause of action, because it does not amount to an adverse order, which affects the rights of any party, unless the same has been issued by a person having no jurisdiction to do so (***In Re Union of India v. Kunisetty Satyanarayana*** [***(2006) 12 SCC 28***]).

4.A writ petition lies when some right of a party is infringed. A mere show cause notice or charge sheet does not infringe the right of anyone. It is only when a final order imposing some punishment or otherwise adversely affecting a party is passed, then the said party can be said to have any grievance.

5.In the case on hand, the petitioner has not raised any grounds questioning the jurisdiction of the respondents in issuing the impugned charge memo or attributing any mala fides as against the respondents. Considering the same and in view of the ratio laid down by the Hon'ble Supreme Court, this Court is not inclined to entertain this writ petition.

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6.Accordingly, this writ petition stands dismissed, with a direction to the respondents to conduct the enquiry in a fair manner and to take decision on merits. The petitioner is at liberty to raise all the grounds that are raised in this writ petition, before the respondents during the course of enquiry.

There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Otherwise, no The charge memo has been issued for the unauthorized absence for a period of 16 days. The petitioner claims that that he has obtained a valid leave from the authority. If petitioner can very well place all these materials before he concerned Inquiry Officer, the Inquiry Officer shall consider the case

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of this petitioner in a fair and proper manner and conclude the same within a reasonable

time.

Index : Yes / No **11.11.2024**
NCC : Yes / No
Internet : Yes
gk

To

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B.PUGALENDHI, J.

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