



W.P.(MD).No.22623 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.07.2024

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.22623 of 2021

S.Ramesh

... Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Transport Corporation
Ltd., (Tirunelveli Division),
Kattabomman Nagar,
Tirunelveli-627 011.

2.The General Manager,
Tamil Nadu State Transport Corporation
Ltd., (Tirunelveli Division),
Nagercoil Region, Ranithottam,
Nagercoil,
Kanyakumari District-629 001.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 2nd respondent to furnish all the documents including the Certified Standing Order issued to the 1st respondent by the Labour Department, of relating to the proceedings i) No. 469/legal-03-order/TNSTC/K.K./2020 dated 27.02.2020 and ii) No.



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842/legal-03/order/TNSTC/K.K/2020 dated 12.03.2020 to the petitioner within a stipulated period that may be fixed by this Court.

For Petitioner : Mr.M.Dennis Joe

For Respondents : Mr.R.Rajamohan,
Standing Counsel

ORDER

This writ petition has been filed seeking direction to the 2nd respondent to furnish all the documents including the Certified Standing Orders issued to the 1st respondent by the Labour Department, of relating to the proceedings i) No. 469/legal-03-order/TNSTC/K.K./2020 dated 27.02.2020 and ii) No. 842/legal-03/order/TNSTC/K.K/2020 dated 12.03.2020 to the petitioner.

2. The brief facts which are necessary for the disposal of this Writ Petition is as follows:-

The petitioner is working as a driver in the respondents transport corporation Kanyakumari Branch. The 2nd respondent imposed a punishment of stoppage of increment for a period of three years with cumulative effect, by an order dated 26.05.2011 on the petitioner. Hence, the petitioner approached the



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Labour Court, by filing I.D.No.31 of 2016 and the same was allowed on 27.02.2017. Assailing the same, the respondents filed a writ petition before this Court in W.P.(MD)No.19339 of 2017 and the same was dismissed on 12.03.2019. Thereafter, the petitioner was visited with two charge memos dated 27.02.2020 and 12.03.2020 for certain delinquencies, for which, the petitioner made an application through proper channel on 11.03.2020 and 15.06.2020 seeking to furnish the document pertaining to the aforesaid charge memos facilitating to submit his explanation. However, the 2nd respondent did not serve the copies so far. That apart, the 2nd respondent failed to furnish the vital documents including the Certified Standing Orders relating to the 1st respondent transport corporation issued by the Labour Department. Hence, yet another application was sent by the petitioner on 24.06.2020 and further application was sent on 29.09.2020 to the 2nd respondent seeking to furnish the documents including Certified Standing Orders. However, without furnishing those documents, an enquiry officer was appointed and the enquiry officer is pressing the petitioner to file his objection with immediate effect. In view of the same, without the necessary documents, the petitioner is handicapped in submitting his explanation before the enquiry officer. Hence, this writ petition



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came to be filed.

3. When the matter was came up for hearing, the learned counsel appearing for the respondents corporation submitted that, already the Certified Standing Orders have been served upon the petitioner which is stonty denied by the learned counsel appearing for the petitioner. The respondent corporation has filed a memo before this Court stating that the Certified Standing Orders were furnished to the petitioner on 08.06.2020 and the same has been recorded on the complaint raised by the petitioner before the Assistant Commissioner of Labour, Nagercoil, in his proceedings dated 05.03.2021. However, on the direction of this Court, once again, the respondent's counsel served the Certified Standing Orders to the petitioner's counsel. On receipt of the same, the petitioner's counsel resisted that the said Certified Standing Orders are not applicable to them and this Court further directed to serve the particular Standing Orders which is applicable to the respondent and adjourned the case to 21.02.2022.



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4. The standing orders of Tamil Nadu State Transport Corporation, Madurai Ltd., is applicable to the respondents as per the proceedings of the respondent corporation dated 01.02.2005 in Note No.4724/Legal 2/TSTC/04 which is served to the petitioner's counsel. The said note order is placed before me and the same is extracted as follows:

“The subject “applicability of Standing Orders of all five regions of this Corporation,” was discussed in the Legal Managers meeting held on 04.11.2004 and it was instructed to follow the Standing orders of the Amalgamated Corporation is Madurai Region (P.R.C., Limited, Madurai) by all Regions. Hence follow the then P.R.C. Limited Standing Orders enclosed. The application of the standing orders of then N.T.C. Limited, Nagarkoil shall be kept in abeyance. The receipt of the copy of then P.R.C.Limited Standing Orders sent along with this note shall be acknowledged, early.”

5. A careful reading of the same would reveal that the Standing Orders of the Amalgamated Corporation, that is, Madurai Region (P.R.C. Limited., Madurai) is applicable to all the regions. In view of the same, this Court hereby direct the respondents to furnish all the documents pertaining to the proceedings 1 and 2 along with the Certified Standing Orders of the



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Amalgamated Corporation, that is, Madurai Region (P.R.C. Limited., Madurai) by all regions to the petitioner within a period of eight (8) weeks from the date of receipt of a copy of this order.

6. Accordingly, this writ petition stands allowed. There shall be no order as to costs.

16.07.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
Sml

To

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Kattabomman Nagar,
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2.The General Manager,
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L.VICTORIA GOWRI, J.

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