



W.P.(MD)No.22321 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.10.2024

CORAM:

THE HON'BLE MR JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.22321 of 2023
WMP(MD).No.18606 of 2023

S.Muthukumaran

... Petitioner

vs.

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

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

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

4.The Branch Manager
Tamil Nadu State Transport Corporation (Tirunelveli) Ltd.,
Sankarankovil Branch
Tenkasi District

....Respondents



W.P.(MD)No.22321 of 2023

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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Certiorari to call for the records relating to the impugned order of the third respondent dated 16.08.2023 made in No.D9433-sa-08-ONAPI-TNSTC/Tvl/2023 and quash the same as arbitrary and illegal.

For Petitioner : Mr.N.Shanmuga Selvam

For Respondents : Mr.D.Jebaraj
Senior Counsel

ORDER

The instant writ petition has been filed by a Conductor of the respondent Transport Corporation challenging an order of suspension dated 16.08.2023.

2.The order of suspension does not reveal the reason for suspension order. It could be seen from the submission that, so far charge memo has not been issued by the respondent Transport Corporation. The petitioner has given a representation on 30.08.2023 to the second respondent in the writ petition. A perusal of the said representation reveals that when the bus was parked on the left side of the road, for undertaking repair and the passengers were being brought down to be sent in another bus, a two wheeler had dashed against the rear side of the bus. In the said accident, the rider of the two-wheeler had passed away and it



W.P.(MD)No.22321 of 2023

has resulted in registration of an F.I.R only as against the driver of the bus.

Therefore, it is clear that the petitioner (conductor) cannot be kept under suspension for more than one year.

3.In view of the above said facts, the order impugned in the writ petition is set aside and the respondent Corporation is directed to reinstate the petitioner in service. However, they are at liberty to proceed with the departmental enquiry.

4.With the above said observations, this Writ Petition stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

18.10.2024

Intex : Yes/No
Internet : Yes/No
msa



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W.P.(MD)No.22321 of 2023

R.VIJAYAKUMAR, J.

msa

W.P.(MD)No.22321 of 2023
WMP(MD).No.18606 of 2023

18.10.2024