



W.P(MD)No.27490 of 2022

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.12.2024

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.27490 of 2022 and
WMP(MD) No.21587 of 2022

Kannan

... Petitioner

Vs

1.The Managing Director,
Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
No.27, Kumbakonam Division,
Kumbakonam.

2.The General Manager,
Tamil Nadu State Transport Corporation Ltd.,
Karaikudi Region,
Karaikudi.

3.The Branch Manager,
Tamil Nadu State Transport Corporation Ltd.,
Sivagangai Branch,
Sivagangai District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the entire relevant records of the impugned



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order passed by the second respondent against the petitioner in TNSTC/KKD/DS-2696/FATO1/D5-149/2022, dated 06.10.2022, and quash the same as illegal, and consequently remand back to the 2nd respondent for proper consideration as per law within stipulated time that may be fixed by this Court.

For Petitioner : Mr.R.Senthilkumar
For Respondents : Mr.K.Jagadeesbalan
Standing Counsel

ORDER

The petitioner, a driver of the Tamil Nadu State Transport Corporation Ltd., Sivagangai Branch/ the third respondent herein was placed under suspension on 17.02.2022 that the petitioner has caused a fatal accident on 03.04.2022. In this regard, a case in Crime No. 142 of 2022, for the offence punishable under Sections 279 and 304(A) IPC has been registered as against this petitioner, on the file of the Sivagangai Town Police Station. Thereafter, the petitioner was issued with a charge memo on 12.04.2022 and an enquiry was also contemplated as against this petitioner. On 17.08.2022, a show cause notice was issued to the



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petitioner. According to the petitioner, when he approached the respondent Corporation for giving an explanation on 18.08.2022, the second respondent, without providing any documents/enquiry report to him, has passed an order of punishment in his proceedings in TNSTC/KKD/DS-2696/FATO1/D5-149/2022, dated 06.10.2022, imposing a punishment of "stoppage of increment for a period of three years with cumulative effect". Challenging the same, the petitioner has approached this Court in the year 2022.

2.The learned counsel appearing for the petitioner submits that the petitioner has sent a reply on 28.09.2022 to the show cause notice, dated 17.08.2022 that he has not been provided with an enquiry report. However, without furnishing the enquiry report, the second respondent / the General Manager has passed the final order on 06.10.2022 imposing a punishment of "stoppage of increment for a period of three years with cumulative effect". Therefore, the order of punishment is liable to be set aside.



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3. Since this writ petition has been filed only on the ground that the enquiry has been concluded and a punishment was also imposed on the petitioner, without furnishing the enquiry report, this Court has verified with the learned Standing Counsel for the respondent Corporation as to whether the enquiry report has been furnished to the petitioner or not. The learned Standing Counsel after verification has confirmed that the enquiry report has not been furnished to the petitioner.

4. Since the decision of imposing a punishment of "stoppage of increment for a period of three years with cumulative effect" has been taken by the respondent Corporation, without furnishing the enquiry report to the petitioner and non-furnishing of enquiry report was confirmed by the learned Standing Counsel, the order impugned in this writ petition is set aside on this ground alone.



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5. Accordingly, this writ petition is allowed. The respondents are directed to furnish a copy of the enquiry report to this petitioner within a period of four weeks from the date of receipt of a copy of this order and proceed with the enquiry. The petitioner is also permitted to furnish an additional reply/explanation based on the enquiry report. The second respondent shall take a call on the proceedings by considering the additional reply/explanation to be submitted by the petitioner. No costs. Consequently, connected Miscellaneous Petition is closed.

12.12.2024

NCC:Yes/No
Index:Yes
vrn



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B.PUGALENDHI, J.

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