



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.02.2025

CORAM

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

W.P.No. 317 of 2024

And

W.M.P.No. 382 of 2024

Mr.C.Dharmalingam

... Petitioner

..Vs..

1. The Managing Director
Tamilnadu State Transport Corporation (Salem) Ltd.,
No.12, Ramakrishna Road,
Salem – 636 303.
2. The General Manager
Tamilnadu State Transport Corporation (Salem) Ltd.,
No.12, Ramakrishna Road,
Salem – 636 303.
3. The Branch Manager
Tamilnadu State Transport Corporation (Salem) Ltd.,
Erumapalayam Branch-1
Salem.

...Respondents

PRAYER: Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorari to call for the records pertaining to the final order dated 09.08.2023 passed in Charge Memo No. C776, C777- 20186-D6-TNSTC (Salem) – 2022 by the respondent No.2 and to quash the same.

For Petitioner

:: Mr. B.M.Subash



For Respondents

:: Mr. K.Raja
Standing Counsel**ORDER**

The Writ Petition has been filed in the nature of a Certiorari seeking records relating to an order dated 09.08.2023 in charge memo No. C776, C777-20186-D6-TNSTC (Salem) -2022 issued by the second respondent, the General Manager, Tamilnadu State Transport Corporation (Salem) Ltd., and to quash the same.

2. In the affidavit filed in support of the Writ Petition which incidentally is an exact replica of an appeal filed by the petitioner against the very same order before the Managing Director, Tamilnadu State Transport Corporation (Salem) Ltd., / first respondent, the petitioner had stated that he had been appointed as conductor in the year 2013 and his service had been regularised in February 2014. A charge memo had been issued on 08.12.2022 stating that the petitioner had given a false information to a Daily Newspaper. He had also given a reply dated 02.01.2023.



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3. Thereafter a show cause notice dated 02.01.2023 had been issued to the petitioner seeking why punishment of stoppage of increment for six months with cumulative effect need not be passed against him. An enquiry officer had been appointed and enquiry was conducted. The petitioner had participated in the enquiry. It had also been stated that the petitioner had given as reason relating to his daughter, who had unfortunately died on 27.10.2022 and consequent to which FIR in Cr.No. 369 of 2022 had been registered by Karuppur Police Station. It had been stated that the petitioner was directed to sign the register for the next day duty. Thereafter final orders had been passed on 09.08.2023 imposing a punishment of stoppage of increment for six months without cumulative effect.

4. The learned counsel for the petitioner stated that the final order had been passed based on the Board Standing Orders which had been held as prohibited by the Labour Court at Salem in I.E.S.O.P.No. 1 of 2010 dated 18.09.2017. The petitioner also sought a copy of the enquiry report through Right to Information Act. The petitioner had also filed an Appeal on 09.10.2023. The petitioner claimed that the Newspaper article complained by the respondent had not been issued by him.



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5. These are issues on facts which only an appellate authority can examine. The petitioner has actually filed an appeal on 09.10.2023. As stated, the very same grounds taken before the appellate authority also, who is the first respondent has been taken before this Court.

6. The learned standing counsel for the respondents stated that the Appeal is still pending before the first respondent.

7. A direction is given to the first respondent to take up the Appeal on file and endeavour to dispose of the same within a period of four months from the date of receipt of a copy of this order. While disposing of the Appeal, the first respondent may taken into consideration the status of the Board Standing Orders which according to the petitioner herein had been held as prohibited by an order of the Labour Court at Salem in I.E.S.O.P.No. 1 of 2010 dated 18.09.2017. The first respondent may also taken into consideration the statement made by the petitioner that he had not issued the Newspaper article which is complained of by the respondent. Even otherwise the first respondent may also taken into consideration the service record of the petitioner, who had been regularised in February 2014 and if there are no prior remarks as against the petitioner, may



also consider that particular aspect to the advantage of the petitioner herein. The claim of the petitioner that he was directed to sign the register on the very next day after the death of his daughter may also be examined by the first respondent.

8. After considering all these aspects, let a considered order be passed in the Appeal as stated within a period of four months from the date of receipt of a copy of this order. The petitioner is also permitted to raise additional grounds before the appellate authority.

9. The Writ Petition stands disposed of. No order as to costs. Consequently, connected Civil Miscellaneous Petition stands closed.

12.02.2025

vsg

Index: Yes/No

Internet: Yes/No

Speaking / Non Speaking Order

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Salem.

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C.V.KARTHIKEYAN, J.,

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