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WP No. 28664 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-08-2025

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THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

WP No. 28664 of 2025

and

WMP.Nos.32112, 32113 and 32118 of 2025

1. Chellapandiyan
S/o. Nagappan,
No. 3/782, Seshappa Muthali Street,
Ammavarikuppam, Pallipattu,
Thruvallur 631 301.

Petitioner(s)

Vs

1. The Managing Director
Tamilnadu State Transport Corporation
(Vilupuram) Ltd,
No. 3/137, Imayam Street, Salamedu,
Villupuram, 605 602.

2.The General Manager,
Tiruvallur Division,
Tamil Nadu State Transport
Corporation (Villupuram) Limited,
Kancheepuram 631 552.



3.The Deputy Manager
Tiruvallur Division,
Tamil Nadu State Transport
Corporation (Villupuram) Ltd,
Kancheepuram - 631 552.

4.The Branch Manager
Tiruvallur Bus Depot,
Tamil Nadu State Transport
Corporation (Vilupuram) Ltd,
Tiruvallur – 602 001.

Respondent(s)

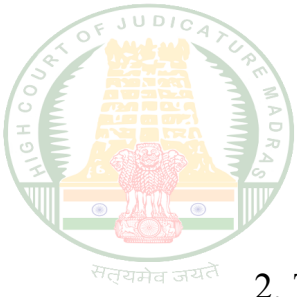
PRAYER: The Writ petition has been filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified mandamus calling for the records culminated in the impugned order in Ka.2106/S12/TNSTC (Villu)/Ka.ma/2024, dated 01.07.2025 issued by the 2nd respondent and quash the same as illegal and consequently direct the 2nd respondent to allow Mr.S.Ravi to assist the petitioner in the departmental enquiry by considering the petitioner's representation dated 27.06.2025.

For Petitioner(s): M/s. Balamuki.S

For Respondent(s): Mrs.S.Pavithra, S.C.,
For R1 To R4

ORDER

The present Writ Petition has been filed challenging the impugned order dated 01.07.2025, by and in which the petitioner's request for assistance from a co-employee to conduct a departmental proceeding was denied.



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2. The learned counsel for the petitioner would submit that, according to the Certified Standing Order, the workman is entitled to have assistance from a co-workman or any office bearer of the union. The petitioner had requested such assistance from one S. Ravi, who is working at Chennai Metropolitan Transport Corporation; however, such request was rejected.

3. At this juncture, the learned Standing Counsel appearing for the respondents would submit that, according to the Certified Standing Order, a co-workman or any office bearer of the Union under the Corporation where the delinquent is working alone can be considered. In the case in hand, the petitioner belongs to the Tiruvallur Depot, whereas the assistance he sought is from an employee of Chennai. Therefore, such request was rightly rejected. Hence, prayed to dismiss the present Writ Petition.

4. I have given my anxious consideration to either side submissions.



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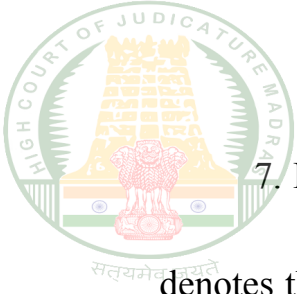
5. The entire submissions of the learned counsel for the petitioner revolve around the interpretation of Section 31(viii)(e) of the Common Certified Standing Orders of the Transport Corporations mentioned in Annexure-I. For ready reference, the same is extracted hereunder:-

“31. Procedure to be Followed in Disciplinary Cases:

viii)....

e) The workman shall be given a reasonable opportunity to defend himself and to examine witnesses if any on his behalf. In defending himself, the workman if he so desires, shall be assisted by a co-workman or any office bearer of the Union. Under no circumstances the workman and or his co-worker or office bearer representing him shall adopt any intimidatory tactics to unsettle the witness during the courses of domestic enquiry.

6. It is the submission of the learned counsel for the petitioner that S. Ravi, who agreed to assist the petitioner, admittedly belongs to Chennai Corporation. However, the learned counsel for the petitioner submitted that the Common Certified Standing Orders do not distinguish between a person working at the same depot or from another depot or from other places. Therefore, the counsel contends that the impugned order is to be interfered with.



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7. However, upon harmoniously reading the Certified Standing Orders, it denotes that the co-workman or any office bearer of the Union must be given a strict interpretation. If the petitioner is permitted to have assistance from other far-off places, it would be too difficult for the Corporation to run its business. Therefore, as rightly observed by the second respondent, the request was rejected since S. Ravi, the proposed assistant, is not a co-employee of the petitioner. He is not eligible to assist the petitioner in accordance with the Certified Standing Orders. Hence, this Court does not find any infirmity in the impugned order.

8. In the result, this Writ Petition is dismissed. Consequently, the connected Miscellaneous Petitions are closed. No costs.

05-08-2025

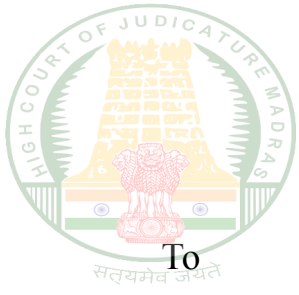
Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To

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Tamil Nadu State Transport
Corporation (Vilupuram) Ltd,
No. 3/137 Imayam Street, Salamedu,
Villupuram, 605602.

2.General Manager
Thruvallur Division,
Tamil Nadu State Transport
Corporation (Villupuram) Limited,
Kancheepuram 631552.

3.The Deputy Manager
Tiruvallur Division,
Tamil Naduu State Transport
Corporation (Villupuram) Ltd,
Kancheepuram

4.Branch Manager
Tiruvallur Bus Depot,
Tamil Nadu State Transport
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Tiruvallur



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C.KUMARAPPAN J.

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