



W.P.(MD).No.1925 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.01.2025

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THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.1925 of 2025

and

W.M.P(MD)Nos.1378 & 1380 of 2025

M.Paramasivam

... Petitioner

Vs.

The General Manager,
Tamil Nadu State Transport Corporation Ltd.,
Karaikudi Zone,
Karaikudi,
Sivagangai District.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the entire relevant records related to the impugned order passed by the respondent against the petitioner, vide TNSTC/KKD/DS-5946/MJAO2/D4-301/2023, dated 18.12.2024 consequently set aside the same as illegal in the manner of violation of natural justice without giving enquiry report.

For Petitioner : Mr.R.Senthil Kumar



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For Respondent : Mr.K.Ramaiah
Standing Counsel

ORDER

The present writ petition has been filed by a Driver of the respondent Corporation challenging the order of punishment imposed upon him by the order of the respondent, dated 18.12.2024.

2. From the impugned order, it could be seen that the petitioner was initially placed under suspension on 26.06.2023 for being involved in an accident. Later, the suspension order was revoked on 03.07.2023. The petitioner was issued with a charge memo on 26.08.2023, for which the petitioner has submitted his explanation on 21.10.2023. The enquiry report was submitted on 25.10.2024. The petitioner was called upon to submit his further explanation on 13.11.2024. The petitioner has submitted his explanation on 10.12.2024. The present impugned order has been passed on 18.12.2024 imposing a punishment of postponement of increment for a period of six months without cumulative effect. This order is under challenge in the present writ petition.



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3. According to the learned counsel appearing for the writ petitioner, when a second notice was issued on 13.11.2024, it was not accompanied by a copy of the enquiry report. Therefore, he was not in a position to submit his detailed explanation.

4. The writ petition came up for admission on 24.01.2025 and it was adjourned to enable the learned Standing Counsel appearing for the respondent Transport Corporation to verify whether a copy of the enquiry report was furnished to the writ petitioner along with the second show cause notice.

5. On instructions, the learned Standing Counsel submits that by mistake, the enquiry report was not furnished to the petitioner.

6. In view of the above said facts, the order impugned in the writ petition is set aside and the matter is remitted back to the file of the respondent herein. The respondent shall furnish a copy of the enquiry report to the writ petitioner within a period of two (2) weeks from the date of receipt of copy of this order.



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Thereafter, the petitioner shall submit his explanation within a period of four (4) weeks from the date of receipt of copy of the enquiry report. The respondent is at liberty to pass appropriate orders after receiving the explanation of the writ petitioner.

7. With the above said observations, this Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

31.01.2025

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

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To

The General Manager,
Tamil Nadu State Transport Corporation Ltd.,
Karaikudi Zone,
Karaikudi,
Sivagangai District.



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R.VIJAYAKUMAR, J.

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