

W.P.(MD)No.7437 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.03.2025

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THE HONOURABLE MR.JUSTICE BATTU DEVANAND

W.P.(MD)No.7437 of 2025
and
W.M.P(MD)No.5595 of 2025

V.Pandi

... Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Transport Corporation,
Madurai.

2.The General Manager,
Tamil Nadu State Transport Corporation,
Madurai.

3.The Branch Manager,
Tamil Nadu State Transport Corporation,
Usilampatti Depot,
Madurai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the impugned proceedings passed by the second respondent O.Na.Thu/D1/Usi/DR/3933, dated 21.02.2025 and quash the same and consequently directing the respondents to reinstate the petitioner into service.



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For Petitioner : M/s.M.Lavanya

For Respondents : Mr.S.Gladson Michael Rajadurai
Government Advocate

ORDER

This Writ Petition has been filed against the order, dated 21.02.2025 of the second respondent, wherein, the petitioner was temporarily suspended from service and consequently directing the respondents to reinstate the petitioner into service.

2. The case of the petitioner is that he is working as Driver at the office of the second respondent. One Mr.Balamurugan has made a complaint before the Inspector of Police, Batlagundu Police Station alleging that on 19.02.2025, when his father, namely, Pethan tried to get into the town bus plying to Aundipatty Town, a bus bearing Registration No.TN-58-N-2156 driven by the petitioner has dashed his father and his father sustained severe injury and admitted in the Government Hospital, Batlagundu. While taking treatment in the Government Hospital, Madurai, his father died on 21.02.2025. Based on the said complaint, a case was registered in Crime No.66 of 2025, dated 21.02.2025 for the offence punishable under Section 281, 106 (1) of BNS, 2023. Pursuant to the registration of the case, the second respondent suspended the petitioner



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from service vide order dated 21.02.2025. Aggrieved by the order of suspension, the petitioner filed this writ petition.

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3. The learned counsel for the petitioner contends that the order impugned in this writ petition is illegal, arbitrary and does not have any sanctity in the eye of law. The learned counsel for the petitioner contends that the petitioner was kept under suspension from 21.02.2025 and till date no charge sheet was filed and no charge memo was issued. Without considering the standing orders, the petitioner issued with impugned order, which is liable to be quashed *per se*.

4. Heard the learned counsel for the petitioner, learned Standing Counsel for the respondents and perused the materials available on record.

5. Having considered the materials available on record, it appears that due to the accident occurred on 19.02.2025, a person namely, Pethan died on 21.02.2025. A criminal case was registered against the petitioner in Crime No.66 of 2025, dated 21.02.2025 by the Inspector of Police, Batlagundu Police Station. Pursuant to the same, the second respondent issued proceedings, dated 21.02.2025 suspending the petitioner temporarily from service. In the



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suspension order, it also informed to the petitioner that detailed charge memo will be issued in due course.

6. The learned counsel for the petitioner contends that though the petitioner was suspended on 21.02.2025 till now charge memo was not issued and no enquiry was conducted. It is also the contention of the learned counsel for the petitioner that no subsistence allowance was paid to the petitioner after issuing suspension order.

7. Considering the order impugned in this writ petition, as it is only a temporary suspension of the petitioner from service pending enquiry, this Court is not inclined to interfere into the same. But the respondents have to conduct proper enquiry by issuing charge memo and they have to conclude the enquiry at an earlier date. If the charge memo was not issued till date, such action of the respondents is unjustified.

8. On perusal of the impugned order, this Court also noticed that no mention about the payment of subsistence allowance. Every employee is entitled for subsistence allowance during the suspension period as per the settled law.



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9. Considering all these aspects, this writ petition is disposed of with the following directions:

1. The second respondent is directed to conclude the disciplinary enquiry within a period of four weeks from the date of receipt of a copy of this order by following due process of law.

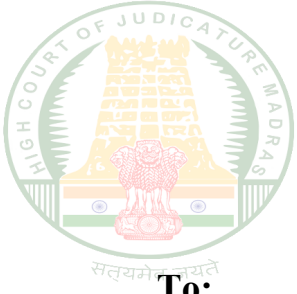
2. The respondents shall pay subsistence allowance to the petitioner from the date of suspension order to till the conclusion of the disciplinary enquiry.

No costs.

Consequently, the connected miscellaneous petition is closed.

19.03.2025

NCC:yes/no
Index:yes/no
Internet:yes/no
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To:

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BATTU DEVANAND, J.

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