



W.P.(MD)No.20543 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.07.2025

CORAM

THE HONOURABLE MR.JUSTICE **SHAMIM AHMED**

W.P.(MD) No.20543 of 2022

and

W.M.P.(MD) No.14881 of 2022

P.Saravanan
S/o.Periyasamy,
Kalkudi,
Poruvai Post,
Viralimalai Taluk,
Pudukkottai District.

... Petitioner

vs.

1.The Managing Director,
Tamil Nadu State Transport Corporation,
(Kumbakonam) Ltd.,
Kumbakonam, Thanjavur District.

2.The General Manager,
Tamil Nadu State Transport Corporation,
(Kumbakonam) Ltd.,
Pudukkottai Region, Pudukkottai.

3.The Branch Manager,
Tamil Nadu State Transport Corporation,
(Kumbakonam) Ltd.,
Pudukkottai Region,
Trichy Branch,
Trichy.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, calling for the records of the 2nd respondent relating to his proceeding in TNSTC / PUD/ DS-1828/ ABSO19/ D2-153/ 2022, dated 19.08.2022 and quash the same.



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For Petitioner :Mr.P.Athimoola Pandian

For R1 to R3 :Mr.K.Raamiah
Standing Counsel

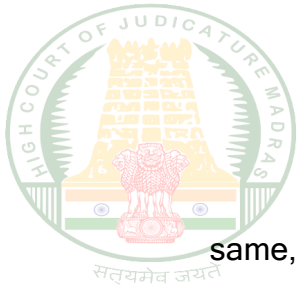
ORDER

This Writ Petition has been filed with the following prayer:-

“Writ of Certiorari, calling for the records of the 2nd respondent relating to his proceeding in TNSTC / PUD/ DS-1828/ ABSO19/ D2-153/ 2022, dated 19.08.2022 and quash the same.”’

2.The facts of the case in a nutshell, led to filing of this Writ Petition and necessary for disposal of the same, are as follows:-

The petitioner was appointed as Driver in the respondent Corporation on 30.04.2007 on daily wage basis and his service was confirmed on 27.09.2008. Now, he is working as Senior Driver at Trichy Branch. Based on the complaint given by the third respondent herein, dated 09.04.2022, in which it has been stated that the petitioner has taken leave un-authorizedly from 31.03.2022, the second respondent issued a charge memo, dated 13.04.2022, for which the petitioner has also submitted his explanation. An Enquiry Officer was also appointed and he has submitted the enquiry report on 19.07.2022. The petitioner has also submitted an explanation to the enquiry report on 25.07.2022. However, without properly considering the



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same, the second respondent issued a show cause notice dated 11.08.2022 as against the petitioner, for which the petitioner had sought time to give reply. However, without providing sufficient opportunity, the second respondent passed the impugned order, dated 19.08.2022, imposing punishment of reduction of basic pay by two stages and treating the absent period as non qualifying service period. Thus, being no other alternative, the petitioner has filed the present Writ Petition seeking the relief as stated supra.

3.Heard Mr.P.Athimoola Pandian, learned counsel for the petitioner and Mr.K.Raamiah, learned standing counsel for the respondents.

4.The learned counsel for the petitioner, while reiterating the averments made in the affidavit filed in support of this Writ Petition, submits that challenging the order passed by the second respondent/the General Manager, Tamil Nadu State Transport Corporation, (Kumbakonam) Ltd., Pudukkottai Region, Pudukkottai, dated 19.08.2022, the petitioner has already preferred an appeal before the first respondent/the Managing Director, Tamil Nadu State Transport Corporation, (Kumbakonam) Ltd., Kumbakonam, Thanjavur District on 05.11.2022, copy of which is annexed in page No.38 of the additional paper book.



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5.Thus, the learned counsel for the petitioner submits that the first respondent/ the Managing Director, Tamil Nadu State Transport Corporation, (Kumbakonam) Ltd., Kumbakonam, Thanjavur District, may be directed to decide the appeal of the petitioner, dated 05.11.2022, by way of a reasoned and speaking order in accordance with law, within the time stipulated by this Court.

6.Mr.K.Raamiah, learned standing counsel for the respondents submits that the petitioner's pending appeal, dated 05.11.2022, will be decided by the first respondent/ the Managing Director, Tamil Nadu State Transport Corporation, (Kumbakonam) Ltd., Kumbakonam, Thanjavur District, by way of a reasoned and a speaking order in accordance with law within the time stipulated by this Court.

7.After considering the arguments advanced by the learned counsels for the parties and after perusing the records and averments made in the Writ Petition and the appeal filed by the petitioner, dated 05.11.2022, copy of which is annexed in page No.38 of the additional paper book, this Court deems it appropriate that no useful purpose will be served in keeping this Writ Petition pending before this Court.



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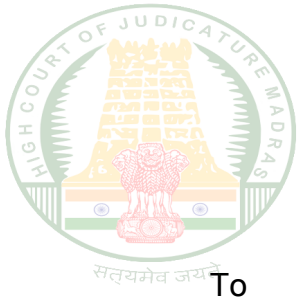
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8. Accordingly, the first respondent/the Managing Director, Tamil Nadu State Transport Corporation, (Kumbakonam) Ltd., Kumbakonam, Thanjavur District, is directed to decide the appeal filed by the petitioner, dated 05.11.2022, and pass a reasoned and a speaking order in accordance with law, after giving sufficient opportunity to the petitioner, within a period of six weeks from today. The Petitioner is directed to submit a copy of this order along with the copy of the appeal dated 05.11.2022 before the the first respondent/the Managing Director, Tamil Nadu State Transport Corporation, (Kumbakonam) Ltd., Kumbakonam, Thanjavur District, within a period of two weeks from today, without fail. The first Respondent shall communicate the order/decision to the Petitioner through Registered Post with Acknowledgement Due (RPAD) within a period of two weeks from the date of passing the order/decision.

9. With the aforesaid directions and observations, the Writ Petition is finally disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Index :Yes / No
Internet :Yes / No
NCC :Yes / No
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To
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(Kumbakonam) Ltd.,
Kumbakonam, Thanjavur District.
- 2.The General Manager,
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(Kumbakonam) Ltd.,
Pudukkottai Region, Pudukkottai.
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SHAMIM AHMED, J.

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