



WEB COPY



W.P.(MD).No.29886 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.01.2025

CORAM :

THE HONOURABLE MR. JUSTICE R.VIJAYAKUMAR

W.P.(MD).No.29886 of 2024

and

W.M.P.(MD).Nos.25178 & 25179 of 2024

Nagaraj

...Petitioner

-Vs-

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

...Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, calling for the entire relevant records related to the impugned order passed by the Respondent against the petitioner, vide TNSTC/KKD/DS-9923/MIA03/D2-546/2024 dated 23.11.2024, and quash the same as illegal.

For petitioner : Mr.R.Senthilkumar

For Respondent : Mr.K.Jagadeesbalan
Standing Counsel



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ORDER

The instant writ petition has been filed by a Driver of the respondent Transport Corporation, challenging a show cause notice issued by the respondent on 23.11.2024, proposing to impose a punishment of postponement of increment for a period of one month without cumulative effect.

2. The petitioner herein was issued with a charge memo on 05.11.2024, calling upon him to submit his explanation within a period of fifteen days. The charge memo was served upon the writ petitioner only on 18.11.2024. The second show cause notice was issued to the writ petitioner on 23.11.2024, alleging that the petitioner has not submitted his explanation and therefore they are proposing to impose a punishment. The second show cause notice is under challenge in the present writ petition.

3. The learned Counsel appearing for the writ petitioner submits that as soon as the petitioner received the charge memo on 18.11.2024, a suitable explanation was submitted on 26.11.2024m along with a request for



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furnishing certain documents. However, even before an explanation was submitted, the impugned second show cause notice has been issued.

4. Per contra, the learned Standing Counsel appearing for the respondent herein had submitted that they are ready to issue a fresh second show cause notice and proceed further.

5. Heard both side and perused the available material on record.

6. The petitioner has been served with the charge memo only on 18.11.2024. The petitioner has submitted his explanation on 26.11.2024, within a period of 15 days. Therefore, the respondent herein should have conducted an enquiry and only based upon the enquiry report, a second show cause notice could be issued for the proposed punishment.

7. In view of the above said facts, the impugned second show cause notice dated 23.11.2024, is hereby set aside and the respondents are granted liberty to conduct an enquiry and proceed in accordance with law.



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8. With the above said observations, this writ petition is allowed.

No costs. Consequently, connected miscellaneous petitions are closed.

09.01.2025

Index : Yes/No
Speaking/Non-Speaking order
Neutral Citation : Yes/No
gvn



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To

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R.VIJAYAKUMAR,J.
gvn

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