



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.07.2020

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD)No.8424 of 2020

M.Sakthivel

... Petitioner

Vs.

1.The General Manager,  
Tamilnadu State Transport Corporation  
(Madurai) Ltd.,  
Dindigul Region, Bye Pass Road,  
Dindigul.

2.G.Govindan

3.P.Krishnamoorthy

... Respondents

**PRAYER** : Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 1<sup>st</sup> respondent to investigate the matter and to take appropriate departmental action against the 2<sup>nd</sup> and 3<sup>rd</sup> respondents.

For Petitioner :Mr.G.M.Xavier

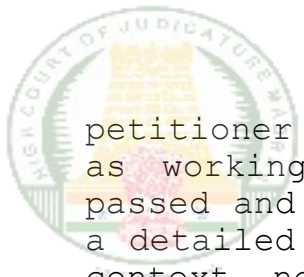
For Respondents :Mr.J.Senthil Kumaraiah,  
standingcounsel for R1

**ORDER**

The prayer sought for in this writ petition is for a Writ of Mandamus, directing the 1<sup>st</sup> respondent to investigate the matter and to take appropriate departmental action against the 2<sup>nd</sup> and 3<sup>rd</sup> respondents.

2.Heard the learned counsel appearing for the petitioner and the learned standing counsel appearing for the 1<sup>st</sup> respondent Transport Corporation. In view of the order going to be passed in this writ petition, notice to the 2<sup>nd</sup> and 3<sup>rd</sup> respondents is dispensed with.

3.The petitioner was working as Conductor at the 1<sup>st</sup> respondent Corporation. While so, a disciplinary proceedings has been initiated, ultimately, enquiry was conducted and enquiry officer's report found that the charge framed against the petitioner proved, accordingly, punishment was awarded against the petitioner and the petitioner also undergone the punishment. At this stage, the present writ petition has been filed by the petitioner, claiming that, as per the enquiry officer's report, charges were not proved and when the charges are not proved, suspension period, where the



petitioner had been placed under suspension already, to be treated as working period and accordingly, necessary orders have to be passed and in this regard, on 02.08.2019, the petitioner has given a detailed representation to the 1<sup>st</sup> respondent. Therefore, in this context, now the prayer has been sought for by the petitioner.

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4. According to the learned counsel appearing for the petitioner, the 2<sup>nd</sup> and 3<sup>rd</sup> respondents, who were working at that time as Checking Inspectors and thereafter, retired from service, were instrumental for the disciplinary action against the petitioner. Therefore, now the matter has to be investigated by the 1<sup>st</sup> respondent General Manager by enquiring the 2<sup>nd</sup> and 3<sup>rd</sup> respondents and suitable action have to be taken against them.

5. The said prayer sought for by the petitioner, in the considered opinion of this Court, cannot be sustained. The reason being that, as against the petitioner, disciplinary proceedings was initiated, enquiry was conducted, enquiry report also was submitted to the disciplinary authority stating that, the charges framing against the petitioner was proved, accordingly, after affording reasonable opportunity to the petitioner, punishment was awarded and the petitioner admittedly has undergone the punishment. When that being the position, now, merely because the petitioner has given a representation to 1<sup>st</sup> respondent on 02.08.2019 stating that, the enquiry officer's report has stated that the charge has not been proved cannot be accepted as that will run contra to the admitted facts. Therefore, the said prayer sought for in this writ petition is totally undeserved to be considered for adjudication.

6. These factors have been brought to the notice of the learned standing counsel appearing for the Transport Corporation, who would submit that the punishment awarded against the petitioner in fact has been undergone by the petitioner and there is no ground to go back as has been claimed by the petitioner to the original position to have the enquiry against the respondents 2 and 3 at this stage in a concluded matter of a disciplinary proceedings, which was conducted in a fair manner under the procedure established under law.

7. In view of the said factors, the petitioner's prayer cannot be countenanced. Accordingly, it fails. hence this writ petition is dismissed. No costs.

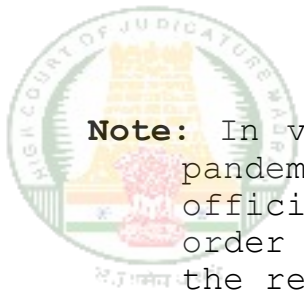
Sd/-

Assistant Registrar

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/ /2020

Sub Assistant Registrar (CS)



**Note:** In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

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To

The General Manager,  
Tamilnadu State Transport Corporation  
(Madurai) Ltd.,  
Dindigul Region, Bye Pass Road,  
Dindigul.

W.P. (MD)No.8424 of 2020

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