

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 10.02.2015

Coram

The Honourable Mr. Justice K.K. SASIDHARAN

W.P.No.6185 of 2014
and
M.P.No.1 of 2014

D. Janarthanan

.. Petitioner

vs.

1. The Managing Director,
Tamil Nadu State Transport Corporation,
Villupuram Division, Villupuram.

2. The General Manager,
Tamil Nadu State Transport Corporation,
Villupuram Division,
Villupuram

.. Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of certiorarified mandamus to call for the entire records relating to the impugned order passed by the first respondent in Ka.Ku.No.715/6045/D6/SETC(V)/2011, dated 04.12.2013 and to quash the same and consequently direct the respondents to reinstate the petitioner into service with all attendant benefits and monetary benefits.

For Petitioner : Mr.C.Prakasam

For respondents : Mr.P.Kannan kumar

ORDER

This writ petition is directed against the order dated 4.12.2013, whereby and where under the first respondent dismissed the statutory appeal preferred by the petitioner, without indicating reasons.

2. The petitioner was initially appointed as Technician in Tamil Nadu State Transport Corporation. The petitioner met with an accident and in connection with the treatment, he took leave. Since the petitioner failed to join duty, the second

respondent issued a charge memo, alleging unauthorised absence. The second respondent ultimately passed an order of termination on 28.6.2013.

3. The order dated 28.6.2013 was challenged before the first respondent. Since there was no follow up action taken by the first respondent to dispose of the said appeal, the petitioner preferred a writ petition before this Court in W.P.No.31277 of 2013. The first respondent, pursuant to the order passed by this Court, considered the appeal and by way of the impugned order rejected it, without supplementing any reason, much less justifiable reason. Feeling aggrieved, the petitioner is before this Court.

4. Heard the learned counsel for the petitioner and the learned Standing counsel for the respondent Corporation.

5. There is no dispute that the second respondent passed an order on 28.6.2013, dismissing the petitioner from service. The said order was challenged before the first respondent in his capacity as appellate authority. It is also a matter on record that the approval application filed by the Management is now pending before the statutory authority.

6. The first respondent, being the appellate authority, was expected to consider the factual matrix and arrive at a decision supported by reasons. The first respondent simply rejected the appeal filed by the petitioner on the ground that no grounds are made out to interfere in the order passed by the second respondent. The orders passed by the authorities, whether it be the original authority or appellate authority, should contain reasons. The party should not be put in darkness with regard to the actual reason, which weighed with the authority to reject the appeal. I am therefore of the view that the matter requires fresh consideration by the first respondent.

7. In the result, the impugned order, dated 4.12.2013, is set aside and the matter is remitted to the first respondent for fresh consideration.

8. The first respondent is directed to grant an opportunity of hearing to the petitioner and pass appropriate orders on merits and in accordance with law. Such exercise shall be completed within a period of two months from the date of receipt of a copy of this order.

9. The writ petition is allowed as indicated above. No costs. Connected miscellaneous petition is closed.

Sd/-
Asst.Registrar (Lok adalat)

/true copy/

Sub Asst. Registrar

msh

To

- 1.The Managing Director,
Tamil Nadu State Transport Corporation,
Villupuram Division, Villupuram.
- 2.The General Manager,
Tamil Nadu State Transport Corporation,
Villupuram Division,
Villupuram

1 cc to Mr.P. Kannan kumar, Advocate, Sr. 7772

1 cc to Mr.C. Prakasam, Advocate, sr. 7349

W.P.No.6185 of 2014

VD (CO)
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