

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.07.2015

CORAM:

THE HONOURABLE MR.JUSTICE D.HARIPARANTHAMAN

W.P.No.20136 of 2015

K.Srinivasan

... Petitioner

-Versus-

1. The Managing Director,
Tamil Nadu State Transport Corporation,
12, Ramakrishna Salai,
Salem 636 007.
2. The General Manager,
Tamil Nadu State Transport Corporation,
12, Rama Krishna Salai,
Salem 636 007

...Respondents

Writ Petition filed under Article 226 of the Constitution of India for the relief of issuance of Writ of Mandamus, directing the 1st respondent to consider the Appeal dated 05.05.2015 preferred by the petitioner challenging the orders of the 2nd respondent passed in Pa.Mu.No.180/14945-T3-STC-2013-15 dated 11.03.2015 and pass orders thereon within a period to be fixed by this court.

For petitioner : Mr.G.Arul Murugan

For Respondents : Mr.P.Kannan Kumar

ORDER

Considering the limited scope of the prayer sought for in the writ petition, by consent, the writ petition is taken up for final disposal at the admission stage itself.

2. The petitioner is a driver in the respondent transport corporation. According to the petitioner, in the month of June, 2013, he went on medical leave for 59 days from 03.06.2013 to 31.07.2013 and again for 34 days from 01.08.2013 to 03.09.2013 and underwent treatment for jaundice. He was therefore advised by the doctors to take complete bed rest. In such circumstances, he made a representation praying the 2nd respondent to provide for an alternative duty. But, there was no reply. He has sent reminders also. While so, he was issued with a charge memo on 21.06.2013 stating that he was unauthorisedly absent from duty and pursuant to the same a domestic enquiry was also conducted. According to the petitioner, the enquiry was not conducted in a fair and proper manner and ultimately, he was issued with a notice of dismissal on 18.04.2014 and he submitted a suitable explanation. But, not satisfied with the same, the 2nd respondent by way of impugned

order, dismissed the petitioner from service. The grievance of the petitioner is that though the appeal has been preferred as early as on 05.05.2015 and though the same was acknowledged, the appeal is not disposed of so far. Hence, he is now before this court with this writ petition.

2. I have heard Mr.G.Arul Murugan, the learned counsel for the petitioner and Mr.P.Kannan Kumar, the learned standing counsel, who accepts notice for the respondents 1 and 2, and also perused the records carefully.

3. Considering the limited scope of the prayer sought for in the writ petition and the fact that appeal preferred by the petitioner as against the order of dismissal from service is pending with the 1st respondent, this court directs the 1st respondent to consider the appeal dated 05.05.2015 preferred by the petitioner and pass orders on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order. At this juncture, it is relevant to state that the order of dismissal itself states that the appeal lies to the 1st respondent. This writ petition is disposed of accordingly. No costs.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

1. The Managing Director,
Tamil Nadu State Transport Corporation,
12, Ramakrishna Salai,
Salem 636 007.

2. The General Manager,
Tamil Nadu State Transport Corporation,
12, Rama Krishna Salai,
Salem 636 007.

+1cc to M/s.G.Arul Murugan, Advocate sr.no.34112
+1cc to M/s.P.Kannan Kumar, Advocate sr.no.34295.

W.P.No.20136 of 2015

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srg 04.08.2015