

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.04.2015

CORAM:

THE HONOURABLE MR. JUSTICE D.HARIPARANTHAMAN

Writ Petition No.2425 of 2015

B.D.Ramesh Rao

...Petitioner

vs.

- 1.The Enquiry Officer,
Departmental Enquiry
Metropolitan Transport Corporation,
Tondaiarpur, Chennai - 600 081.
- 2.The General Manager Chennai
Regional 2 Metropolitan Transport Corporation (Ayyanavaram)
Chennai now at
Pallavan House, Chennai - 600 002.
- 3.The Managing Director,
Metropolitan Transport Corporation,
Pallavan Salai, Chennai - 600 002.

...Respondents

Petition filed under Article 226 of the Constitution of India for the issuance of writ of Mandamus, directing the third respondent to dispose the petitioner's appeal dated 28.05.1999 presented against the order made by the 2nd respondent in his proceedings Cho.Mu.No.95634/Legal Section (Disciplinary Proceedings) dated 29.03.1999 removing the petitioner from his service as Foreman Stores, Tondiarpet II Depot, Chennai -81.

For Petitioner : Mr.V.Chinnasami

For Respondents : Mr.P.Paramasivadosh

O R D E R

The petitioner was dismissed from service as early as on 29.03.1999 by the Metropolitan Transport Corporation. According to him, he preferred appeal to the Managing Director on 28.05.1999. However, no acknowledgment is produced for having preferred the appeal. The petitioner also moved the Conciliation Officer under the Industrial Disputes Act on 12.07.1999. The Conciliation Officer closed the proceedings on 12.08.1999 stating that the issue could not be conciliated and that the petitioner should redress his grievance before the Appellate Authority.

2. The petitioner neither challenged the order of dismissal nor the order of the Conciliation Officer. The petitioner has filed this writ petition after a lapse of 15 years, seeking for a direction to the third respondent to dispose of his appeal.

3. The petitioner has slept over for more than 15 years and approached this court belatedly seeking a direction to the third respondent to dispose of his appeal, thereby, creating a new cause of action. I am of the view that the petitioner is not entitled to succeed. The writ petition fails and the same is accordingly dismissed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

svki

To

- 1.The Enquiry Officer,
Departmental Enquiry
Metropolitan Transport Corporation,
Tondaiarpet, Chennai - 600 081.
- 2.The General Manager Chennai
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Chennai now at
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- 3.The Managing Director,
Metropolitan Transport Corporation,
Pallavan Salai, Chennai - 600 002.

1 cc to Mr.P.Paramasivados, Advocate, SR.No.20023/15

W.P.No. 2425 of 2015

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pmk.18.5.2015

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