

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.08.2015

CORAM:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

Writ Petition No.24872 of 2015
and M.P.No.1 of 2015

S.Sivaperumal

... Petitioner

Vs.

1. The Managing Director,
State Express Transport Corporation
Tamil Nadu Ltd., Pallavan Salai,
Chennai - 600 002

2. The General Manager,
State Express Transport Corporation
Tamil Nadu Ltd., Pallavan Salai,
Chennai - 600 002

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the second respondent to reinstate the petitioner in service with all consequential monetary and other attendant benefits.

For Petitioner : Mr. M.Gnanasekar

For Respondents : Mr. P.Kannan Kumar

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O R D E R

Admit. Mr. P.Kannan Kumar, learned counsel, takes notice for the respondents. By consent of the learned counsel for both sides, the writ petition is taken up for final disposal at the admission stage itself.

2. The petitioner would state that, he was appointed as Driver, in the services of the State Express Transport Corporation Tamil Nadu Limited, on 04.02.1998. The petitioner would further state that, while he was driving the vehicle, at Route No.304-E, on 20.03.2007,

at about 02.30 pm, a pedestrian started to made an attempt to cross the road and the bus driven by the petitioner dashed against him and due to the impact, the said pedestrian lost his life and so also the cattles. The petitioner was visited with disciplinary proceedings alleging that, in the process there was damage to the tune of Rs.1,000/-, in respect of the vehicle driven by him and after enquiry, he was removed from service, vide order, dated 10.08.2010 and the Management sought approval by filing an Application before the Commissioner of Labour, under Section 33(2)(b) of the Industrial Disputes Act and the said Application was rejected on 18.04.2013. According to the petitioner, no challenge has been made to the order, rejecting the approval petition.

3. In the meanwhile, the petitioner submitted a representation, dated 21.03.2014, to the second respondent praying for reinstatement in service with conferment of other consequential benefits. Since no orders have been passed, the petitioner has come forward to file this writ petition.

4. The learned counsel for the petitioner would submit that, once the approval application is rejected by the competent authority and no challenge has been made against the same, the petitioner should be reinstated in service and all attendant and consequential benefits should be conferred on him; since it has not been done so, the petitioner has submitted a representation, dated 21.03.2014 to the respondents and the respondents are duty bound to pass orders on the said representation.

5. The learned counsel for the petitioner also brought to the knowledge of this Court, the order, dated 11.10.2013, passed in W.P.No.28428 of 2013, wherein positive orders have been passed directing the respondents therein, who are also arrayed as respondents in this writ petition, to reinstate the petitioner therein into service with consequential benefits and hence, the learned counsel prays for similar orders.

6. This Court heard the submissions of Mr.P.Kannan Kumar, learned Standing Counsel, who accepts notice on behalf of the respondents.

7. Though the petitioner prayed for a larger relief, this Court, without going into the merits of the claim projected by the petitioner and in the light of the above facts and circumstances, directs the respondents to consider and dispose of the petitioner's representation, dated 21.03.2015, on merits and in accordance with law, by taking note of the order, dated 11.10.2013, made in W.P.No.28428 of 2013, within a period of eight weeks from the date of receipt of a copy of this order, and communicate the decision taken to the petitioner.

8. This writ petition is disposed of accordingly. No costs. Consequently, the connected MP is closed.

-Sd/-

Assistant Registrar(cs-II)

//True copy//

Sub Assistant Registrar

srk

To

1. The Managing Director,
State Express Transport Corporation
Tamil Nadu Ltd., Pallavan Salai,
Chennai - 600 002

2. The General Manager,
State Express Transport Corporation
Tamil Nadu Ltd., Pallavan Salai,
Chennai - 600 002

+ 1 cc to Mr.M.Gnanasekar, Advocate (SR.42670)

+ 1 cc to Government pleader (SR.42372)

W.P.No.24872 of 2015
& M.P.No.1 of 2015

(CO)

YJ 27.07.15

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