

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 29.09.2015

Coram:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.30663 of 2015

D.L.Raghupathi

.. Petitioner

vs.

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

2. The General Manager,
Tamil Nadu State Transport
Corporation, Dharmapuri.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus to direct the respondents corporation to disburse the arrears of salary to the petitioner for the period from 1997 to 16.01.2014 by fixing the scale of pay.

For Petitioner : Mr.P.Immanuel Prakasam

For Respondents : Mr.P.Paramasivadosh

ORDER

By consent, the writ petition itself is taken up for final disposal.

2. The petitioner joined the services of Tamil Nadu State Transport Corporation as a Casual Labourer (Driver) on 06.08.1993 and after completion of 240 continuous working days, he was made as a permanent driver in the year 1992. It is further stated by the petitioner that during the course of his employment, on 7.2.1997, the bus driven by him met with an accident and he sustained grievous injuries, including the injury on his spinal cord and he has taken treatment for quite a number of days and he was medically advised not to travel for long distance and drive a heavy vehicle. However, the petitioner continued to perform the duty on account of the fact that he

is a sole bread winner of the family and also submitted very many representations to provide him alternative employment in the form of light duty considering his physical condition and since it was not considered, he was constrained to file W.P.No.22894 of 2013. This Court, vide order dated 22.08.2013 has directed the respondents to take into consideration the certificate issued by the Medical Board and assign the petitioner with light duty.

3. Subsequently departmental action was initiated against the petitioner and it was ended in the order of dismissal from service on 04.09.2012, which was also put to challenge in W.P.No.32996 of 2012 and this Court directed the first respondent to consider and dispose of the appeal filed by the petitioner, on merits and in accordance with law within a stipulated time. The petitioner was re-instated in service as a driver and was assigned with a duty to drive heavy vehicle and in the light of his physical disability, the petitioner prays assignment of lighter duty and the same has not been considered. The further grievance expressed by the petitioner is that the arrears of salary due and payable to him for the period from 1997 to 16.1.2014 has not been disbursed and in this regard, he has submitted a representation dated 9.3.2015 to the first respondent, a copy of which has been marked to the second respondent. Since no orders have been passed on the said representation, he came forward to file this writ petition.

4. Heard the submissions of the learned counsel for the petitioner and Mr.P.Paramasivados, learned counsel, who accepts notice on behalf of the respondents.

5. Though the petitioner prayed for a larger relief, this Court, in the light of the facts and circumstances, without going into the merits of the same, directs the respondents to consider and dispose of the petitioner's representation, dated 9.3.2015, in accordance with law and pass orders within a period of six weeks from the date of receipt of a copy of this order and communicate the decision taken to the petitioner.

6. The writ petition is disposed of accordingly. No costs. Connected miscellaneous petition is closed.
msk

Sd/-
Assistant Registrar (CS-III)

/True Copy/

Sub-Assistant Registrar

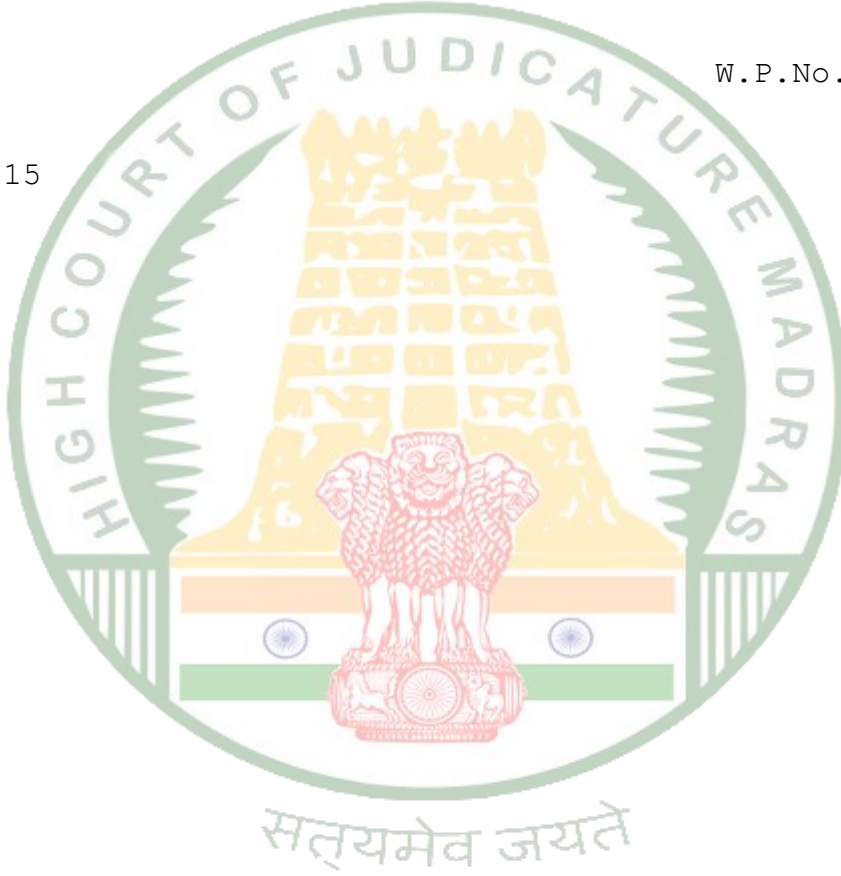
To

1. The Managing Director,
Tamil Nadu State Transport
Corporation, Salem Division,
Salem.
2. The General Manager,
Tamil Nadu State Transport
Corporation, Dharmapuri.

+2 C.Cs to MR.P.Immanuel Prakasam, Advocate in SR.NO.53255

W.P.No.30663 of 2015

KGK(CO)
sd : 15/10/2015



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