



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.03.2015

CORAM :

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition (MD) No.2004 of 2015

and

M.P(MD)No.1 of 2015

K.Shanmuga Sundaram

... Petitioner

Vs.

1.The Metropolitan Transport Corporation,

(Chennai) Limited, Anna Salai,

Chennai, represented by its

General Manager,

Anna Salai, Chennai.

2.The Senior Deputy Manager,

(ma.va.me), Metropolitan Transport Corporation,

Anna Salai, Chennai.

3.The Branch Manager,

Metropolitan Transport Corporation,

Alanthur Depo,

Chennai 16.

4.The Special Deputy Commissioner of Labour,

Labour Department,

Thenampet,

Chennai 6.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus calling for the 2nd respondent memo no.4294/Sabi (ona) 16/MTC/2013 dated 22.1.2015 and quash the same as illegal and direct the 1st and 2nd respondents to send the petitioner s to the Medical Board to verify the physical fitness to drive the vehicle and pass such other relief the Hon'ble Court.

For Petitioner : Mr.J.Madhu for

M/s.S.Muthukrishnan

For Respondents 1-3 : Mr.D.Sivaraman

For 4th Respondent : Mr.S.Kumar,

Additional Government Pleader.

ORDER

The petitioner is aggrieved against the order of dismissal from service.

2.Mr.D.Sivaraman, learned counsel appearing for the respondents submitted that even though the order of dismissal was passed against the petitioner, which is impugned in this writ petition, the management has filed a petition seeking approval of such punishment through their application dated 22.01.2015 before the fourth respondent which has been taken on file only on 28.01.2015. Therefore, he submitted that the impugned order is always subject to the result of the the order to be passed by the fourth respondent on the application filed by the management seeking for its approval. Thus, he contended that the petitioner has come before this Court hurriedly without contesting the matter before the fourth respondent.



3.Learned counsel appearing for the petitioner submitted that the petitioner may be given liberty to agitate the matter before the fourth respondent opposing the said application seeking approval of the said punishment.

4.Needless to say that the fourth respondent will have to hear the petitioner also before passing the order on the application filed by the management seeking for approval of the punishment.

5.Accordingly, I find that the present writ petition is highly premature at this stage. Consequently, the writ petition is disposed of, however with liberty to the petitioner to take appropriate steps to oppose the application filed by the management seeking approval before the fourth respondent. The fourth respondent shall consider the application filed by the management seeking approval and pass appropriate orders on the same, on merits and in accordance with law after hearing the petitioner as well within a period of four months from the date of receipt of a copy of this order. No costs. Consequently, M.P.(MD)No.1 of 2015 is closed.

Sd/-

Assistant Registrar (T&P)

/True copy/

Sub Assistant Registrar

To

1.The Metropolitan Transport Corporation,
(Chennai) Limited, Anna Salai,
Chennai, represented by its
General Manager,
Anna Salai, Chennai.

2.The Senior Deputy Manager,
(ma.va.me), Metropolitan Transport Corporation,
Anna Salai, Chennai.

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Metropolitan Transport Corporation,
Alanthur Depo,
Chennai 16.

4.The Special Deputy Commissioner of Labour,
Labour Department,
Thenampet,
Chennai 6.

+1cc to Mr.D.Sivaraman, Advocate in SR.No.9986

+1cc to Mr.S.Muthukrishnan, Advocate in SR.No.10013

Sm:13.03.2015:2P/7C:

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