

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.12.2016

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.25980 of 2016

&

W.M.P.No.22235 of 2016

T.Panneerselvam

... Petitioner

Vs.

1. The Managing Director  
Tamil Nadu State Transport Corporation  
(Coimbatore) Ltd  
No.37, Mettupalayam Road  
Coimbatore- 641 043

2. The General Manager  
Tamil Nadu State Transport Corporation  
(Coimbatore) Ltd  
Erode Region, Chennimalai Road  
Erode- 638 001

... Respondents

Petition filed under Article 226 of The Constitution of India, praying for the issuance of a Writ of Mandamus to direct the first Respondent dispose of the appeal filed by the petitioner against the order of dismissal in Pa.No.2651/D6/416C/Law/TNSTC/Coimb/ER/2013 dated 30.06.2015 by the 2nd respondent forthwith.  
(Prayer amended as per order dated 16.12.2016 in WMP No.33876 of 2015)

For Petitioner : Ms.S.Mekhala

For Respondents : Mr.P.Paramasivadoss

ORDER

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

2.The petitioner would state that while he was working as Tradesman at Erode-III Branch of Tamil Nadu State Transport Corporation (Coimbatore) Limited, he was visited with

disciplinary proceedings in the form of charge memo dated 15.10.2013 alleging that he made an attempt to attack the General Manager while he met him on 7.10.2013 in connection with demands, namely treating the period spent to attend the labour union matters as duty with pay and for payment of over time allowance for the period worked in the Wireless Repeater Station, Chennimalai five years ago.

3. The petitioner has denied the charges. However, enquiry officer was appointed. He found that the charges framed against the petitioner have been proved. Thereafter, the petitioner was called upon to submit his explanation. The second respondent, disciplinary authority, after considering the explanation, dismissed the petitioner from service on 19.6.2015. Challenging the legality of the same, the petitioner has filed an appeal on 10.7.2015 before the first respondent.

4. Ms.S.Mekhala, learned counsel for the petitioner, on instructions, would submit that on account of the pendency of this writ petition, the appeal filed by the petitioner before the first respondent is yet to be disposed of and therefore, it would be suffice to direct the first respondent to consider and dispose of the appeal on merits and in accordance with law, within a stipulated time.

5. Heard the submissions of Ms.S.Mekhala, learned counsel appearing for the petitioner and Mr.P.Paramasivadosh, learned Standing Counsel for the respondents.

6. This Court, taking into consideration the above facts and circumstances and the limited scope of the prayer sought by the learned counsel for the petitioner, directs the first respondent to consider the petitioner's appeal dated 10.7.2015 on merits and in accordance with law, after providing the opportunity of personal hearing to the petitioner and pass orders, within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision to the petitioner. The writ petition is disposed of accordingly. No costs. The connected Miscellaneous Petition is closed.

Sd/-  
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

ajr

To

1. The Managing Director  
Tamil Nadu State Transport Corporation  
(Coimbatore) Ltd  
No.37, Mettupalayam Road  
Coimbatore- 641 043

2. The General Manager  
Tamil Nadu State Transport Corporation  
(Coimbatore) Ltd  
Erode Region, Chennimalai Road  
Erode- 638 001

+1cc to Ms.S.Mekhala, Advocate, S.R.No.73749

+1cc to Mr.P.Paramasivadosh, Advocate, S.R.No.73976

W.P.No.25980 of 2016

MG(CO)  
CA(05/01/2017)



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