

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.10.2016

CORAM:

THE HONOURABLE MR. JUSTICE R.SUBBIAH

W.P.No.33679 of 2016

and WMP.Nos.29060 and 29061 of 2016

S.Subramani

.. Petitioner

vs.

1.The Managing Director,
Tamil Nadu State Transport Corporation (Salem) Ltd.,
Salem Zone, Salem.

2.The General Manager,
Tamil Nadu State Transport Corporation (Salem) Ltd.,
Dharmapuri Zone,
Salem Main Road, Bharathipuram,
Dharmapuri-636 705.

3 The Branch Manager
Tamilnadu State Transport Corporation
Thirupathur, vellore districit .. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus calling for the records of the order passed by the first respondent dated 12.07.2016 bearing No.62/5572/D5/TNSTC/2016 and quash the same and direct the first respondent to pay salary to the petitioner for the dismissal period starting from 09.02.2016 till the date of reinstatement.

For Petitioner : Mr.N.Jayakumar

For Respondents : Mr.P.Paramasivadoss

O R D E R

This Writ Petition has been filed praying for issuance of a Writ of Certiorarified Mandamus to quash the order passed by the first respondent dated 12.07.2016 bearing No.62/5572/D5/TNSTC/2016 and direct the first respondent to pay salary to the petitioner for the dismissal period starting from 09.02.2016 till the date of reinstatement.

2. The petitioner was working as driver under the respondent Corporation for the past 27 years with utmost care and dedication. While so, on 08.02.2016, the petitioner was instructed to appear before the second respondent based on a show cause notice dated 05.02.2016 and the petitioner appeared for enquiry, wherein he came

to know that the allegation raised in the show cause notice was that he had joined the service with false date of birth. In support of the allegation, the second respondent furnished a letter from the Head Master, Government Panchayat Primary School, Agaram wherein his date of birth is stated as 01.06.1954. The grievance expressed by the petitioner is that while conducting the enquiry, the petitioner was not given sufficient opportunity to put forward his case and without giving opportunity of personal hearing, the impugned order of dismissal was passed on 09.02.2016 and against which, the petitioner preferred an appeal before the first respondent and it was dismissed on 12.07.2016. Hence, the petitioner has come forward with this writ petition.

3. When the matter is taken up for consideration, learned counsel appearing for the respondents would submit the petitioner was terminated from service on 09.02.2016 and thereafter he has preferred appeal, which was also dismissed on 12.07.2016 and therefore, nothing survives for adjudication in this writ petition.

4. Since already the appeal filed by the petitioner was dismissed, I am of the opinion that nothing survives for adjudication in this writ petition. Hence, this Writ Petition is dismissed. However, the petitioner is at liberty to challenge the above orders before the appropriate competent forum. No costs. Consequently, connected miscellaneous petitions are closed.

-sd/-

Assistant Registrar

/ TRUE COPY /

Sub-Assistant Registrar

jvm

To

1.The Managing Director,
Tamil Nadu State Transport Corporation (Salem) Ltd.,
Salem Zone, Salem.

2.The General Manager,
Tamil Nadu State Transport Corporation (Salem) Ltd.,
Dharmapuri Zone, Salem Main Road, Bharathipuram,
Dharmapuri-636 705.

3 The Branch Manager
Tamilnadu State Transport Corporation
Thirupathur, vellore districit
+1 cc to MR.P.PARAMASIVADOSS Advocate SR.NO. 60242
+1 cc to MR.N.JAYARAMAN Advocate SR.NO. 59963

W.P.No.33679 of 2016

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RD 12/11/2016