



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.10.2016

CORAM

THE HON'BLE Dr.JUSTICE S.VIMALA

W.P(MD) No.18833 of 2016

S.Arumugam

... Petitioner

-vs-

1.The Managing Director,
Tamil Nadu State Transport Corporation
(Madurai) Ltd.,
Bye Pass Road, Madurai.

2.The General Manager,
Tamil Nadu State Transport Corporation
(Madurai) Ltd., Madurai Division,
Bye Pass Road, Madurai.

3.The Branch Manager,
Tamil Nadu State Transport Corporation
(Madurai) Ltd.,
Thiruparankundram Branch,
Madurai.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified mandamus call for the records pertaining to the proceedings of the respondents in Parvai ONATHU/D4/THIPAKU/DR/2631 order passed by the 2nd respondent dated 29.08.2016 and quash the same as illegal and arbitrary and consequently direct the respondents to provide the duty to the petitioner along with back wages within the stipulated time period.

For Petitioner : Mr.A.MU.Sharavanan
For Respondents : Mr.A.P.Muthupandian

O R D E R

This Writ Petition has been filed to quash the impugned proceedings issued by the second respondent dated 29.08.2016 and consequently direct the respondents to provide duty to the petitioner along with back wages.

2.Heard the learned counsel appearing for the petitioner and the learned counsel for the respondents, who takes notice for the respondents. By consent the writ petition itself is taken up for final disposal at the admission stage.



3.The petitioner was appointed as a driver in the respondents corporation. While he was driving the bus bearing Registration No.TN-58-N-1679 on 28.08.2016, he dashed against a two wheeler. Therefore, he was suspended from service by the order dated 29.08.2016. He made a representation dated 09.09.2016 to the respondents, to revoke the order of suspension. As the same has not been considered so far, the present Writ petition has been filed.

4.The learned counsel for the petitioner pointed out that the entire allegation is against the driver of the two wheeler, who tried to overtake another two wheeler and there is no material as against the petitioner to show the rash and negligent driving. Therefore, the petitioner ought not to have been placed under suspension. In other words, the contention is that when there are no *prima facie* material against the petitioner, the suspension order passed is unwarranted and therefore, it should be revoked.

5.In the opinion of this Court, the contention of the petitioner is well founded. However, there is an undertaking on the part of the respondents to consider the representation of the petitioner dated 09.09.2016 and to pass suitable orders.

6.Accordingly, the respondents are directed to consider the representation of the petitioner dated 09.09.2016 and to pass orders on merits and in accordance with law as expeditiously as possible. It is expected that the respondents would realise that there are no materials to suspend the petitioner and therefore orders have to be passed as early as possible.

7.The Writ Petition is disposed of with the above direction. No costs. Consequently, connected WMP(MD)Nos.13619 & 13620 of 2016 are closed.

Sd/-
Assistant Registrar (Crl.side)

/True copy/

Sub Assistant Registrar

+1 CC to M/s.A.Mu.SHARAVAN, Advocate, SR No.58012

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03.10.2016

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SH/SS-3:25.10.2016:2P/2C