



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.12.2016

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P (MD) No.22012 of 2016

S.Murugesan

... Petitioner

vs.

1. The General Manager,
Tamil Nadu State Transport Corporation,
Dindigul.

2. The Managing Director,
Tamil Nadu State Transport Corporation(Madurai),
No.10, Bye-Pass Road,
Madurai.

3. The Motor Vehicle Inspector,
Dindigul,
Dindigul District.

... Respondents

Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the 1st and 2nd Respondents to treat the period from 23.01.2016 to 03.03.2016 as Service and given all service and monetary and attendant benefits to the Petitioner.

For Petitioner : Mr.S.Saji Bino
For R1 & R2 : Mr.A.Jayaraman
For R3 : Mr.A.K.Baskarapandian
Special Government Pleader

ORDER

The prayer in the writ petition is for issuance of a Writ of Mandamus, directing the 1st and 2nd respondents to treat the period from 23.01.2016 to 03.03.2016 as service period and give all service, monetary and attendant benefits to the petitioner.

2.The facts of this case which are not in dispute are that the petitioner was the employee of the respondent corporation, who was placed under suspension on 23.01.2016, and there was an inspection by the respondent corporation wherein, the Motor Vehicle Inspector has made a remark that the vehicle is not fit for plying. The



petitioner was suspended and charge memo was also issued, which is stated to have been served on the petitioner 19.02.2016. The petitioner submitted that he has been falsely implicated in the charge and the charge against him is that he has taken the vehicle without prior information to the respondents and that he has also after committing a serious misconduct, gave interview to the Media and also caused loss to the corporation.

3.The contention of the petitioner is that suspension has been revoked by the order dated 25.02.2016, which was received by him on 01.03.2016 and thereafter, by letter dated 26.02.2016, he was issued with the order of transfer which was received by him on 02.03.2016, According to the petitioner, in the relieving order, the 1st respondent has marked absent on 02.03.2016 and 03.03.2016 respectively and therefore, the period between 23.01.2016 and 03.03.2016 is to be treated as service period.

4.The contention of the respondents is that apart from committing serious misconduct, the petitioner has not reported for work.

5.Whether the petitioner has reported for work from 03.03.2016, is not the issue in this writ petition. The issue as to whether the petitioner has committed misconduct, for which, he received the charge sheet on 19.02.2016 and whether he has not reported for work from 03.03.2016, have got to be decided at the administrative level. When suspension has been revoked by a communication dated 25.02.2016 received by the petitioner on 01.03.2016 and that when the petitioner has received the transfer order on 02.03.2016 and reported for work on 03.03.2016, the petitioner is entitled to wages for the period mentioned supra and this will not preclude the respondents from proceeding against the petitioner for the alleged misconduct, for which, a charge sheet has already been issued, which was received by the petitioner on 19.02.2016 and also for any other misconduct committed by him after 04.03.2016.

6.In the result, the respondents are directed to pay salary and other benefits for the period between 23.01.2016 and 03.03.2016?, by treating the abovesaid period as service period. The said direction shall be complied with within a period of four weeks from the date of receipt of a copy of this order.

With the above direction, this Writ Petition stands allowed. No costs.

Sd/-
Assistant Registrar



To

1. The General Manager,
TamilNadu State Transport Corporation,
Dindigul.
2. The Managing Director,
TamilNadu State Transport Corporation (Madurai),
No. 10 Bye pass Road,
Madurai.
3. The Motor Vehicle Inspector,
Dindigul,
Dindigul District.

+1 cc to M/S. S. SAJI BINO, ADVOCATE, SR NO:82358
+1 cc to Special Government Pleader, SR NO: 82310

nbi

GJM/KSM/SS2/12.01.2017/3P/6C

W.P (MD) No.22012 of 2016
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