



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.12.2016

CORAM:

THE HONOURABLE MR. JUSTICE R. SURESH KUMAR

W.P. (MD) No.23551 of 2016
and
W.M.P. (MD) No.16919 of 2016

K.Perumalsamy

... 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) Limited
Dindigul Region, Dindigul.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of writ of certiorarified mandamus to call for the records of the impugned order passed by the second respondent in Parvai:Sathu.A1:8157, dated 04.12.2013 and quash the same as illegal and consequently directing the respondents to restore the increments for five years and cancel the period of temporary suspension from 02.09.2012 to 01.10.2012.

For Petitioner : Mr.N.Madhava Govindan

For Respondents : Mr.A.K.Baskarapandian
Spl. Govt. Pleader

O R D E R

Mr.A.K.Baskarapandian, learned Special Government Pleader, accepts notice on behalf of the respondents and with the consent of both sides, this writ petition is taken up for final disposal at the admission stage itself.

2. The prayer in this writ petition is for issuance of a writ of certiorarified mandamus to quash the impugned order, passed in Paravai:Sathu.A1:8157, dated 04.12.2013, by the second respondent



and to direct the respondents to restore the increments for five years and to cancel the period of temporary suspension from 02.09.2012 to 01.10.2012.

3. When the writ petition is taken up for hearing, the learned counsel appearing for the petitioner submitted that though the petitioner has come out with the present writ petition seeking the relief as stated above, as against the impugned order, dated 04.12.2013, passed by the second respondent, he has preferred an appeal before the first respondent as early as on 23.01.2014 and the same is so far pending disposal and therefore, the learned counsel for the petitioner submitted that it would suffice, if a direction is given to the first respondent to dispose of the appeal preferred by the petitioner within a stipulated period.

4. Though the petitioner sought for a larger relief in his affidavit, in view of the aforesaid submission made by the learned counsel appearing for the petitioner, without going into the merits of the claim made by the petitioner, this writ petition is disposed of with a direction to the first respondent to dispose of the appeal preferred by the petitioner, on 23.01.2014, challenging the impugned order, dated 04.12.2013, passed by the second respondent, on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order along with the copy of the appeal from the petitioner. The petitioner is also directed to send a copy of the appeal, dated 23.01.2014, along with a copy of this order, afresh to the first respondent, within a period of one week from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

Sd/
Deputy Registrar(Judicial)

/TRUE COPY/

Sub Assistant Registrar(C.S)

To:

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) Limited,
Dindigul Region, Dindigul.

+1cc to M/s.N.Madhava Govindan, Advocate, in SR No.79233.