



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 09.12.2016
CORAM :

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.(MD)No.23822 of 2016

and

W.M.P (MD)No.17163 of 2016

S.Somasundaram

... Petitioner

vs.

1)The Managing Director,
Tamilnadu State Transport
Corporation (Kumbakonam) Ltd.,
TNSTC Head Office,
No.27, Railway Station New Road,
Kumbakonam.

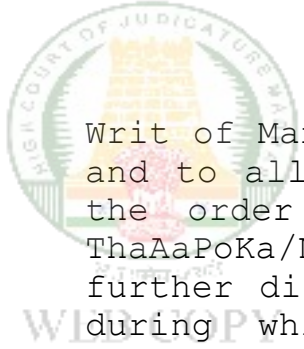
2)The General Manager,
Tamilnadu State Transport
Corporation (Kumbakonam) Ltd.,
Nagapattinam Zonal,
No.140, Public Office Road,
Velippalayam,
Nagapattinam District-611 001.

3)The Branch Manager,
Tamilnadu State Transport
Corporation (Kumbakonam) Ltd.,
Nagapattinam Zonal,
Thiruthuraipoondi,
Nagapattinam District-614 713.

...Respondents

Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Mandamus, directing the 3rd respondent to allot duty to the petitioner and allow the petitioner to sign in the attendance register in pursuant to the order passed by the 2nd respondent in his proceedings in ThaAaPoKa/Nagai/T14/ThiThuPoo/174/2016 dated 02.11.2016 and further directing the 2nd respondent to pay the salary for the period in which the petitioner was unlawful restrained from performing his duty by the 3rd respondent.

For Petitioner : Mr.SP.Vijay Nivas
For Respondents : Mr.D.Sivaraman



Writ of Mandamus, directing the 3rd respondent to allot duty to him and to allow him to sign in the attendance register, pursuant to the order passed by the 2nd respondent in his proceedings in ThaAaPoKa/Nagai/T14/ThiThuPoo/174/2016, dated 02.11.2016, and further directing the 2nd respondent to pay salary for the period, during which, the petitioner was unlawfully restrained from performing his duty by the 3rd respondent.

2.The petitioner was placed under suspension on 30.09.2016 and it was revoked on 02.11.2016 without prejudice to the departmental enquiry. Contending that once the suspension is revoked, he is deemed to be in service, the petitioner has come forward with this writ petition seeking direction to the respondents to allow him to perform his duty, by signing in the attendance register.

3.When the matter is taken up for hearing, learned standing counsel appearing for the respondents would submit that the petitioner has been permitted to report for duty and he has joined duty on 08.12.2016.

4.In reply, learned counsel for the petitioner submitted that the petitioner has been asked to deposit the amount of Rs.43,286/- which is the loss amount said to have been caused by the petitioner to the corporation and without insisting the said amount, the petitioner should have been permitted to report for duty.

5.Be that as it may, if the petitioner has got any grievance, he has to work out his remedy in accordance with law and that the order of revocation of suspension dated 02.11.2016 is without prejudice to the rights of the corporation to proceed against the petitioner. The petitioner has been issued with a charge memo dated 03.10.2016, for which, he has given a reply on 07.11.2016 and not satisfied with the same, he was imposed with the punishment of recovery of the abovesaid amount. Whether the petitioner has been allowed to join duty only on 08.12.2016 or whether there was any fault on the part of the department in not permitting the petitioner to report for duty immediately after the revocation of suspension dated 02.11.2016, are matters in dispute, which has got to be agitated and resolved in accordance with law.

With the above observations, this Writ Petition stands disposed of. No costs. Consequently, W.M.P(MD)No.17163 of 2016 is closed.

Sd/-
Assistant Registrar(writs)

/True Copy/

Sub Assistant Registrar



To

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Nagapattinam Zonal, Thiruthuraipoondi,
Nagapattinam District-614 713.

+1cc to Mr.S.P.Vijay Nivas,Advocate Sr.No.80460
+1cc to Mr.D.Sivaraman,Advocate Sr.No.80322

W.P. (MD)No.23822 of 2016
09.12.2016

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