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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.02.2016

CORAM:

THE HONOURABLE MRS. JUSTICE PUSHPA SATHYANARAYANA

W.P(MD) No. 3759 of 2016

S.Suresh

... Petitioner

Vs.

1.The Tamil Nadu State Transport Corporation(Kumbakonam) Ltd.,
Represented by its Managing Director,
Kumbakonam.

2.The General Manager,
The Tamil Nadu State Transport Corporation(Kumbakonam) Ltd.,
Trichy Region,
Trichy.

3.The Branch Manager,
The Tamil Nadu State Transport Corporation(Kumbakonam) Ltd.,
Thuvarankuruchi Branch, Trichy Region,
Trichy.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to permit the petitioner to join duty in the Post of Driver at Thuvarankuruchi Branch of the first respondent Corporation and further directing the respondents to pay wages to him in the Post of Driver with effect from 29.01.2016 to till the date of restoring him to duty.

For Petitioner : Mr.A.Rahul
For Respondents : Mr.D.Sivaraman

ORDER

Mr.D.Sivaraman, learned counsel takes notice for the respondents.

2. By consent of parties, the main Writ Petition is taken up for final disposal.

<https://hcservices.ecourts.gov.in/hcservices/>

3. The petitioner seeks for a Mandamus directing the respondents to permit the petitioner to join duty as Driver at Thuvarankuruchi



Branch of the first respondent Corporation and further directing the respondents to pay wages with effect from 29.01.2016 to till the date of restoring him to duty.

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4. The case of the petitioner is that the petitioner is working as a Driver in the respondent Corporation. He absented from duty from 28.10.2015 to 29.11.2015. He appeared before the third respondent with Fitness Certificate on 28.01.2016. But he was not permitted to join duty. While so, disciplinary proceedings was initiated by the second respondent by issuing charge memo alleging that the petitioner absented from duty without prior permission from 28.10.2015 to 29.11.2015. Now neither the petitioner is suspended nor terminated from service. However, when he reported to duty, he was not permitted to join duty. According to the petitioner, when the criminal case and domestic enquiry are pending against him the respondents are not provided him duty. Hence, the petitioner made representations on 02.02.2016 and 10.02.2016 before the respondents and the same are said to be still pending. Hence, the petitioner has filed this Writ Petition for the above stated relief.

5. In view of the above, without going into the merits of the case, the second respondent and third respondents are directed to consider the representations of the petitioner, dated 02.02.2016 and 10.02.2016 and pass orders on the same, on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

With the above direction, the Writ Petition is disposed of. No Costs.

Sd/-

Assistant Registrar(C.O.) (I/C)

/True Copy/

Sub Assistant Registrar

To

- 1.The Managing Director, Tamil Nadu State Transport Corporation
(Kumbakonam) Ltd., Kumbakonam.
- 2.The General Manager, The Tamil Nadu State Transport Corporation
(Kumbakonam) Ltd., Trichy Region, Trichy.
- 3.The Branch Manager, The Tamil Nadu State Transport Corporation
(Kumbakonam) Ltd., Thuvankuruchi Branch, Trichy Region, Trichy.

+lcc to Mr.D.Sivaraman, Advocate Sr.No.10260

+lcc to Mr.A.Rahul, Advocate Sr.No.10308

akm/26.02.2016/2p-6c/NGM/SS/AR-I