

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.10.2017

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THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.26768 of 2017

R.Anbuselvan

.. Petitioner

-vs-

1. The General Manager

Tamil Nadu State Transport
Corporation Villupuram Ltd.,
Villupuram Division
Villupuram District

2. Mr.P.Natrajan

.. Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the first respondent in KA.YEN.41/32401/NE7/Tha.Na. Aa.Po.Ka (vee)/2017 dated 22.9.2017 and quash the same as illegal and consequently to direct the first respondent to take necessary disciplinary action against second respondent within the stipulated time based on petitioner's representation dated 29.05.2017 before the retirement date of the second respondent i.e. on 31.10.2017.

For Petitioner :: Mr.R.Y.George Williams

For Respondents:: Mr.P.Paramasivadosh for R1

ORDER

This writ petition has been filed by Mr.R.Anbuselvan seeking issuance of a writ of certiorarified mandamus, calling for the records relating to the impugned order passed by the first respondent in KA.YEN.41/32401/NE7/Tha.Na. Aa.Po.Ka (vee)/2017 dated 22.9.2017, to quash the same as illegal with a consequential direction to the first respondent to take necessary disciplinary action against the second respondent within the stipulated time based on petitioner's representation dated 29.05.2017 before the retirement date of the second respondent i.e. on 31.10.2017.

2. Learned counsel for the petitioner submitted that both the petitioner and the second respondent are working in the first respondent Corporation as Conductor and Driver respectively. After finding that the second respondent is not having a driving licence after 30.4.2011, a detailed representation has been given to the Management to take action

against the second respondent. There was no action taken. Therefore, the petitioner came to this Court with W.P.No.22684 of 2017 seeking a direction to the first respondent to consider his representation dated 29.5.2017 and pass appropriate orders as he was approaching the date of retirement on 31.10.2017. This Court, considering the fact that the second respondent Mr.P.Natrajan is working without renewal of his driving licence beyond 30.4.2011, issued a direction on 28.8.2017 directing the first respondent to consider the petitioner's representation on merits. Pursuant thereto, action has been taken only on 6.10.2017. As the second respondent is retiring with effect from 31.10.2017, the petitioner has also further found that some more proceedings are pending against him. Therefore, a further direction should be issued to the first respondent to consider and pass appropriate orders.

3. Mr.P.Paramasivadoss, learned standing counsel for the first respondent, producing a copy of the punishment order dated 6.10.2017 imposing stoppage of increment for one year with cumulative effect, submitted that the said punishment order will be implemented properly by deducting the monetary amount before the second respondent retires from service from his retiral benefits.

4. However, as the learned counsel for the petitioner submitted that Section 81 proceedings are pending against the second respondent, it is for the first respondent to look into the same and do the needful. With this observation, the writ petition stands disposed of. Consequently, W.M.P.No.28506 of 2017 is closed. No costs.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

सत्यमेव जयते Sub Assistant Registrar

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To

1. The General Manager
Tamil Nadu State Transport
Corporation Villupuram Ltd.,
Villupuram Division
Villupuram District

+1cc to Mr.George Williams, Advocate, S.R.No.70982
+1cc to Mr.Paramasivadoss, Advocate, S.R.No.77067

W.P.No.26768 of 2017

MG(CO)
GN(20/11/2017)

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