



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :22.12.2017

CORAM:

WEB COPY

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.17871 of 2014

D.Paulpandi

... Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Transport Corporation Limited,
Head Office, Bye-Pass Road,
Madurai Division,
Madurai District.

2.The General Manager,
Tamil Nadu State Transport Corporation Limited,
Head Office, Bye-Pass Road,
Madurai Region,
Madurai District.

3.The Branch Manager,
Tamil Nadu State Transport Corporation Limited,
Ponmeni Branch,
Madurai Region, Madurai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents either to pay subsistence allowance or to reinstate the petitioner in service in the light of the similar order made in W.P (MD)No.3546 of 2012, dated 03.04.2012 and by considering the petitioner's representation dated 20.10.2014, within the period that may be stipulated by this Court.

For Petitioner : Mr.C.Venkatesh Kumar
for Ajmal Associates

For Respondents : Mr.A.Jeyaram
Standing Counsel for TNSTC

ORDER

This writ petition has been filed, seeking to issue a Writ of Mandamus, directing the respondents either to pay subsistence allowance or to reinstate the petitioner in service in the light of the similar order made in W.P(MD)No.3546 of 2012, dated 03.04.2012 and by considering the petitioner's representation dated 20.10.2014, and pass appropriate orders.



2.The learned counsel for the petitioner would submit that the petitioner was appointed as Driver, in the third respondent Transport Corporation Branch, by the second respondent in his proceedings No.Niru/A4/2826/2012, dated 12.02.2013, on temporary basis. On 06.08.2014, the bus driver, bearing registration No.TN-58-N-1773, from Periyar Bus Stand to Palamedu at about 01.30 p..m. met with an accident with a rider of two wheeler. The rider of the two wheeler has succumbed to the injury and died. Since a Criminal case No.119 of 2014, has been initiated against the petitioner he was placed under suspension, by the second respondent in his proceedings dated 07.08.2014. The second respondent had also issued a charge memo, dated 23.08.2014 and the petitioner has submitted his explanation on 15.09.2014, by refuting the charges levelled against the petitioner. Even though, he was placed under suspension, he was not paid subsistence allowance and he prayed for payment of subsistence allowance and reinstatement on the ground that he was entitled to the same till the disposal of disciplinary proceedings or the date of reinstatement. It was found that the petitioner had already been dismissed from service in December 2015, after the enquiry was over. The petitioner has claimed only subsistence allowance not paid during the period of suspension.

3.The learned counsel appearing for the petitioner would submit that he prayed only for the consideration of the petitioner's representation dated 20.10.2014 by the respondents and he is not insisting upon the prayer in the writ petition.

4.The learned counsel appearing for the respondents would submit that if he is entitled the respondents can consider the same.

5.Hence, based on the above submission made, this Court directs the respondents to pass appropriate orders, on the petitioner's representation dated 20.10.2014, as per the prevailing Rules and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

6.In view of the above said directions, this Writ Petition is disposed of. No costs.

Sd/-

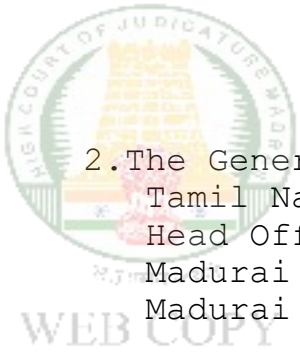
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1.The Managing Director,
Tamil Nadu State Transport Corporation Limited,
Head Office, Bye-Pass Road,
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Madurai District.



2.The General Manager,
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Head Office, Bye-Pass Road,
Madurai Region,
Madurai District.

3.The Branch Manager,
Tamil Nadu State Transport Corporation Limited,
Ponmeni Branch,
Madurai Region, Madurai District.

+1CC to M/s.Ajmal Associates, SR.No. 94472

ORDER MADE IN
W.P (MD) No.17871 of 2014
22.12.2017

SSS
AM/SKN RSK/SAR 2/01.03.2018/3P/5C