

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.09.2018

CORAM :

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.2391 of 2018

V.Dhakshinamoorthy

... Petitioner

vs.

1. TamilNadu State Transport Corporation (Salem) Ltd.,
Rep. by its Managing Director,
No.12, Ramakrishna Road,
Salem.
2. The General Manager,
TamilNadu State Transport Corporation (Salem) Ltd.,
Dharmapuri Region, Bharathipuram,
Dharmapuri.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, for issuance of a writ of Mandamus directing the respondents to finalize the disciplinary proceedings which was initiated based on the charge memo dated 09.01.2012 in Memo. No.4/002/T5/TNSTC/2012 based on the petitioner representations, the reports of the Medical Board at Salem and Dharmapuri, the discharge summaries and also in the light of the direction issued by the Deputy Secretary, Department for the disabled persons welfare dated 27.03.2015 in Letter No.1562/Ma.Thi.Na-3/2015-1 within a specified time as may be fixed by this Hon'ble Court and provide him suitable alternative employment/light job in commensurate with this physical and health condition, with continuity of service, pay protection, back wages and all other consequential benefits, with effect from 06.11.2011.

For Petitioner : M/s. R. Krishnaswamy
For Respondents : Mr.S.Rajini Ramadoss

O R D E R

The grievances of the writ petitioner is that, he has submitted an disability certificate for providing an alternative employment as he was unable to perform the duties and responsibilities as a driver.

2. It is contended that, a charge memo was issued against the writ petitioner in proceeding dated 9.01.2012 and the same is also pending. Pursuant to the orders passed in the earlier writ petition filed by the writ petitioner, he has submitted his explanation to the charge memo and final orders are yet to be passed.

3. The learned counsel for the petitioner states that, on account of pendency of the disciplinary proceedings the writ petitioner is unable to perform the duties and responsibilities as he is disabled. Under these circumstances, the learned counsel for the respondent opposed the contention by stating that, the grievances of the writ petitioner shall be considered after the disposal of the disciplinary proceedings now pending before the competent authorities.

4. Under these circumstances, direction is issued to conclude the inquiry proceedings at the earliest possible enabling the writ petitioner to redress his grievances in respect of getting any alternative employment based on the medical disability certificate produced by him.

5. Accordingly, the respondents are directed to conclude the inquiry in all aspects by affording reasonable opportunity to the writ petitioner and pass final orders on merits and in accordance with law in the disciplinary proceedings within a period of 12 weeks from the date of receipt of a copy of this order. Accordingly the writ petition stands disposed of. There shall be no order as to costs.

pkn

Sd/-

Assistant Registrar(CS V)

// True Copy//

Sub Assistant Registrar

To

1. The Managing Director,
TamilNadu State Transport
Corporation (Salem) Ltd.,
No.12, Ramakrishna Road, Salem.

2. The General Manager,
TamilNadu State Transport
Corporation (Salem) Ltd.,
Dharmapuri Region, Bharathipuram,
Dharmapuri.

+ 1 cc to M/s.S.Rajini Ramadoss, Advocate Sr 65076

KR/8/10/18

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