

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.11.2018

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.23640 of 2018

G. Raghu

... Petitioner

Vs.

1. The Secretary,
Transport Department,
Government of Tamilnadu,
Secretariat, Fort St.George,
Chennai - 600 009.

2. The Managing Director,
Tamil Nadu State Transport
Corporation (Villupuram) Limited,
3/137, Salamedu,
Varadhareddy Post,
Villupuram - 605 602.

3. The General Manager,
Tamil Nadu State Transport
Corporation (Villupuram) Limited,
Cuddalore Division,
Cuddalore - 607 002.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, to direct the respondents herein to consider the representations dated 21.04.2018 and 14.07.2018 relating to the reinstatement of the petitioner in service with attendant service benefits within a time frame fixed by this Court.

For Petitioner : Mr.A.V.Arun

For 1st Respondent : Mr.Neelakandan
Government Advocate

For 2nd & 3rd
Respondents : Mr.Sairaman
Standing Counsel for Transport

O R D E R

The present Writ Petition has been filed for issuance of a Writ of Mandamus to direct the respondents herein to consider the representations dated 21.04.2018 and 14.07.2018 relating to the reinstatement of the petitioner in service with attendant service benefits within a time frame that may be fixed by this Court.

2. The petitioner was removed from service, vide order No.Ka.Ku.No.1532/D3/TNGST/GM/2014, dated 08.09.2014 by the 3rd respondent subject to the approval by the Special Deputy Labour Commissioner, Chennai. The Special Deputy Commissioner dismissed him from service by holding that no enquiry proceeding was conducted based on acceptable evidence and also they have not complied with Section 33(2)B of the Industrial Disputes Act, 1947.

3. The aforesaid rejection of the approval by the Special Deputy Labour Commissioner became final and therefore, the petitioner made a representations dated 21.04.2018 and 14.07.2018 to the second and the third respondents praying for reinstatement with full service benefits and payment of Provident Fund, Pension and other benefits and back wages.

4. In the said representation, as of now, no order has been passed by the respondents and therefore, the petitioner has filed the present Writ Petition before this Court.

5. The learned Standing Counsel appearing for respondents 2 and 3/ Transport Corporation submitted that the respondents have also been taking steps to challenge the said order and as on today, the aforesaid order has not been challenged. The scope of the prayer in the Writ Petition is very limited and since the said representations are pending, this Court may pass an appropriate order.

6. By considering the abovesaid submissions of the learned counsel appearing for parties, and as the prayer in the Writ Petition is limited, without expressing any opinion of the matter on the merits, this Court is inclined to direct the respondents to consider one of the petitioner's representation, dated 21.04.2018 on merits and in accordance with law, as

expeditiously as possible, preferably within a period of eight (8) weeks from the date of receipt of a copy of this order.

7. With the above direction, this Writ Petition is disposed of. There shall be no order as to costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

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Transport Department,
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Tamil Nadu State Transport
Corporation (Villupuram) Limited,
Cuddalore Division,
Cuddalore - 607 002.

+ 1 cc to Mr.A.V. Arun, Advocate sr.78722
+ 1 cc to Mr.S. Sairaman, Advocate Sr.78745
+ 1 cc to Government Pleader sr.79567

W.P.No.23640 of 2018

SV(CO)
EU(07/12/2018)