

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 18.06.2018
Coram

The Hon'ble Mr.Justice T.Raja

Writ Petition No.14435 of 2018

V.Selvaraj

...Petitioner

Vs.

1. The Regional Transport Officer,
Chidambaram,
C.Muttalur, Opp. to Govt. Arts College,
Chidambaram Taluk,
Cuddalore District - 608 001.

2. The Inspector of Police,
Pennadam Polece Station,
Cuddalore District.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus directing the respondent to return the petitioner's original driving licence bearing No. TN 31Y 19860002431 within the time stipulated by this Court.

For Petitioner : Mr.R. Subburaj

For Respondent : Mr.V.Jayaprakash Narayanan
Special Government Pleader

सत्यमेव जयते
O R D E R

Heard Mr.R. Subburaj, the learned counsel appearing for the petitioner and Mr.V.Jayaprakash Narayanan, the learned Special Government Pleader, accepting notice on behalf of the respondents. With consent of the learned counsel on either side, the Writ Petition is taken up for disposal.

2. The Writ Petition has been filed by the petitioner seeking for issuance of a Writ of Mandamus directing the respondents to return the petitioner's driving licence bearing No. TN 31Y 19860002431 within the time that may be stipulated by this Court.

3. The case of the petitioner is that he has been working as a Driver in Tamil Nadu State Transport Corporation, Tittagudy Depot, Villupuram Division. On 06.03.2018, when he was driving a Bus bearing No.T.N. 32 N 4127, at about 12.50 p.m., it met with an accident, as a result, one person died on the spot itself and the other person sustained injuries. Hence, the Inspector of Police, the second respondent herein registered a case against the petitioner in Crime No.41 of 2018, for the alleged commission of offence punishable under Sections 279 and 304(A) of IPC and the petitioner's licence has been forfeited by the second respondent and handedover to the first respondent. Owing to the said complaint, the petitioner has been suspended from service by the Management by order, dated 06.03.2018. Subsequently, his suspension order has been revoked vide order dated 09.04.2018, with a condition requiring the petitioner to attend a fresh training, failing which, he will be deemed as if, he got relieved from service on his own volition. Since the license confiscated by the second respondent is still in the custody of the first respondent and because of want of license, the petitioner is not able to resume to duty, the petitioner made a representation on 05.04.2018, setting out his grievance and requested the first respondent to return the license. But the same has not evoked any response. Hence the present Writ Petition is filed seeking for the aforesaid relief.

4. The learned Special Government Pleader for the respondents submitted that based on the first information report submitted by the second respondent, stating that the criminal case is pending against the petitioner followed by order of suspension. Now the Transport Corporation has initiated departmental proceedings against the petitioner for the accident that took place on 06.03.2018. Therefore, it is submitted that enquiry is in pipeline, and soon after the enquiry is over, it will be looked into as to whether the licence of the petitioner has to be impounded/suspended temporarily or cancelled and sought for some reasonable time for completion of the enquiry.

5. In view of the above submission of the learned Special Government Pleader for the respondents, this Writ Petition is disposed of by directing the first respondent to complete the enquiry and take a decision in regard to the representation made by the petitioner dated 05.04.2018 made for return of licence within a period of four weeks from the date of receipt of a copy of this order. No costs.

sd

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

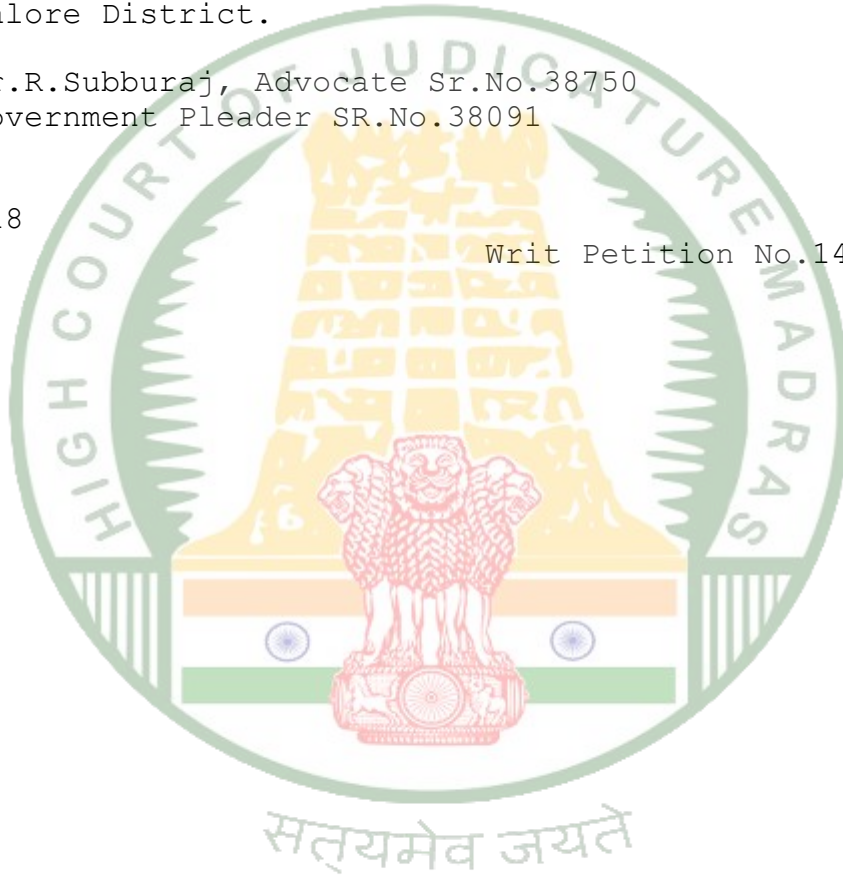
To

1. The Regional Transport Officer,
Chidambaram,
C.Muttalur, Opp. to Govt. Arts College,
Chidambaram Taluk,
Cuddalore District - 608 001.
2. The Inspector of Police,
Pennadam Police Station,
Cuddalore District.

+1cc to Mr.R.Subburaj, Advocate Sr.No.38750
+1cc to Government Pleader SR.No.38091

RJ(CO)
sm:6.7.2018

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