

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.11.2018

CORAM

THE HONOURABLE MR. JUSTICE R.MAHADEVAN

W.P.No.29679 of 2018

and

W.M.P.No.34644 of 2018

V.Durai

... Petitioner

Vs

1.Tamil Nadu State Transport Corporation (Salem) Ltd.,
Represented by the Managing Director,
12, Ramakrishnan Road,
Salem - 636 007.

2.The General Manager,
Tamil Nadu State Transport Corporation (Salem) Ltd.,
Dharmapuri Division,
Bharathipuram, Salem Main Road,
Dharmapuri, Dharmapuri District.

3.The Branch Manager,
Krishnagiri Mofussil Branch,
Tamil Nadu State Transport Corporation (Salem) Ltd.,
Krishnagiri,
Krishnagiri District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of certiorari, to call for the records of the respondents relating to the order of the second respondent bearing No.Ta.Aa.Po.K/Che/Tha.M/101/2018, dated 28.09.2018, directing the petitioner to join duty at Pennagaram immediately and quash the same.

For Petitioner : Mr.Ramapriya Gopalakrishnan

For Respondents : Mr.P.Kannan Kumar

ORDER

Mr.P.Kannan Kumar, learned counsel takes notice for the respondents. By consent of both parties, the writ petition is taken up for final disposal at the admission stage itself.

2. Challenging the order dated 28.09.2018, passed by the second respondent, the petitioner has come up with this writ petition.

3. The case of the petitioner is that he is working as a Conductor in the third respondent Transport Corporation. On 09.07.2018, he was issued a charge memo-cum-suspension order for the alleged mistake, due to which, he was placed under suspension. Subsequently, the said suspension order was revoked, however, the petitioner was transferred to another station i.e., Pennagaram from Krishnagiri. Hence, he made representations to the second respondent, seeking cancellation of the said transfer order. Finding no response on the said representations, he filed a petition in W.P.No.23066 of 2018. This Court, by order dated 05.09.2018, dismissed the said writ petition with a liberty to the petitioner to submit a representation to the respondents 2 and 3 to ventilate his plight and difficulties in joining a new place of posting within two weeks and also directed the respondents 2 and 3 to consider the same within a period of three weeks thereof. However, the said order was not properly communicated to the petitioner by his then counsel. Hence, the petitioner has not submitted any representation to the respondents, within a stipulated time. While so, on 28.09.2018, the second respondent issued the impugned order, directing the petitioner to join duty in Pennagaram Branch immediately. Aggrieved over the same, the petitioner is before this Court.

4. Heard the learned counsel for the petitioner and the learned counsel appearing for the respondents and perused the records.

5. Admittedly, vide order dated 05.09.2018, this Court dismissed the writ petition in WP.No.23066 of 2018 filed by the petitioner, however, considering his plight and difficulties, has granted liberty to the petitioner to make a representation to the respondents 2 and 3. However, the said liberty has not been availed by the petitioner, which, according to him, is due to non-explanation of the order of this Court by his then counsel. In such circumstances, this Court, in the interests of justice, deems it fit to issue appropriate direction to the petitioner, which has been agreed by the learned counsel for the respondents.

6. Accordingly, this Court directs the petitioner to make a representation to the respondents 2 and 3 within a period of one week from the date of receipt of a copy of this order. On making such representation, the respondents 2 and 3 shall consider the same on merits and in accordance with law forthwith. Till such time, no coercive steps as directed in the earlier order dated 05.09.2018, shall be taken against the petitioner.

7. The writ petition stands disposed of in the above terms. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Managing Director,
Tamil Nadu State Transport Corporation (Salem) Ltd.,
12, Ramakrishnan Road,
Salem - 636 007.
- 2.The General Manager,
Tamil Nadu State Transport Corporation (Salem) Ltd.,
Dharmapuri Division,
Bharathipuram, Salem Main Road,
Dharmapuri, Dharmapuri District.
- 3.The Branch Manager,
Krishnagiri Mofussil Branch,
Tamil Nadu State Transport Corporation (Salem) Ltd.,
Krishnagiri,
Krishnagiri District.

+2ccs to Mr.Ramapriya Gopalakrishnan, Advocate, S.R.No.78168
+1cc to Mr.P.Kannan Kumar, Advocate, S.R.No.78671

W.P.No.29679 of 2018
and
W.M.P.No.34644 of 2018

JP (CO)

rrs 04/12/2018

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