

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 28.11.2018

CORAM :

THE HONOURABLE DR.JUSTICE S.VIMALA

W.P. NO. 31396 OF 2018  
and  
W.M.P. NO. 36581 OF 2018

P.Balaji

...Petitioner

- Vs -

1. The Managing Director  
Tamil Nadu State Transport  
Corporation (Salem) Division - II  
Ramakrishna Road, Salem - 7.
2. The General Manager  
Tamil Nadu State Transport  
corporation (Salem) Division-II  
Dharmapuri Region, Bharathipuram  
Dharmapuri 636 705.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of mandamus directing the respondents to consider the representation of the petitioner dated 20.11.2018 and reinstate the petitioner in service as Conductor in the respondent Corporation will all attendant benefits.

For Petitioner : Mr. K.Nagarajan

For Respondents: Ms.Rajeni Ramadoss

ORDER

Ms. Rajeni Ramadoss, learned standing counsel takes notice for the respondents.

2. The writ petition has been filed seeking direction to the respondents to consider the representation of the petitioner dated 20.11.18. The representation of the petitioner is that once the approval was not granted for the dismissal of the petitioner from service by the appropriate authority, the petitioner ought to have been reinstated. In support of the said contention, the order passed by the Special Deputy Commissioner of Labour in A.P. No.47/14 is relied upon, wherein the approval has been rejected by the said authority for the dismissal of the petitioner from service. Though the petitioner submitted a representation on 20.11.2018 to reinstate him, no

orders have been passed on the said representation. Hence, the present petition has been filed.

3. A perusal of the records reveal that the approval petition has been rejected as early as on 13.4.2018. Once the approval petition is rejected the necessary corollary is that the petitioner ought to have been automatically reinstated. Even though the rejection order has been passed on 13.4.18, till date the petitioner has not been reinstated. In spite of the representation submitted by the petitioner, reinstatement has not been made. There is no reason as to why the order of reinstatement has not been passed despite the order of rejection of the approval petition.

4. In view of the limited relief sought for, this Court is of the view that it would suffice to direct the respondents to consider the representation dated 18.11.2018, submitted by the petitioner, in the light of the order passed in A.P. No.47/14 and the observation made by this Court to pass orders on the said representation within a particular time frame.

5. In the above circumstances, this writ petition is disposed of directing the respondents to consider the representation dated 18.11.2018, submitted by the petitioner, in the light of the order passed in A.P. No.47/14 and pass orders thereon in accordance with law within a period of four weeks from the date of receipt of a copy of this order.

gln

Sd/-

Deputy Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Managing Director  
Tamil Nadu State Transport  
Corporation (Salem) Division - II  
Ramakrishna Road, Salem - 7.
2. The General Manager  
Tamil Nadu State Transport  
corporation (Salem) Division-II  
Dharmapuri Region, Bharathipuram  
Dharmapuri 636 705.

+1cc to Mr.K. Nagarajan, Advocate, S.R.No.81515

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