

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.12.2018

CORAM:

THE HONOURABLE Dr. JUSTICE S.VIMALA

W.P.No.33116 of 2018

A.Santhiyakappar

... Petitioner

versus

1. The Managing Director,
Tamilnadu State Transport
Corporation (Salem) Ltd.,
12, Ramakrishna Salai,
Salem - 636 007.

2. The General Manager,
Tamilnadu State Transport
Corporation (Salem) Ltd.,
12, Ramakrishna Salai,
Salem - 636 007.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of writ of mandamus, to direct the 1st respondent to dispose of the appeal dated 20.02.2011 preferred by the petitioner with a stipulated time.

For Petitioner : Mr.A.Nagarathinam

For Respondents : Mr.R.K.Gandhi,
TNSTC (Salem)

ORDER

This writ petition has been filed seeking a direction to the respondents to dispose of the appeal dated 20.02.2011 preferred by the petitioner.

2. The petitioner was appointed as a Driver in the respondent Transport Corporation. There was an accident that took place on 24.06.2010 and a criminal case was registered under Section 304(A) IPC against the petitioner. In respect of the said accident, a charge memo has been issued on 02.07.2010. The petitioner also submitted his explanation on the charge

memo. Not satisfied with the said explanation, the second respondent passed an order dated 13.01.2011, imposing the punishment of stoppage of increment for a period of two years with cumulative effect. Challenging the said order, the petitioner preferred an appeal dated 20.02.2011 seeking revocation of the punishment order. In the mean time, the criminal case had ended in acquittal, by Judgment dated 25.07.2018 passed by the Judicial Magistrate No.2, Kallakurichi. Immediately, thereafter, the petitioner submitted a representation dated 25.08.2018 seeking to dispose of the appeal filed by him on 20.02.2011 for revocation of order passed in the disciplinary proceedings on the ground that the criminal case had ended in acquittal. As the said appeal has not been considered, the present writ petition has been filed.

3. The learned counsel appearing for the respondents submitted that no appeal petition has been received by the respondents.

4. It may be true that due to effluxion of time and non maintenance of files, the appeal dated 20.02.2011 preferred by the petitioner would not have been available on the file of the respondent.

5. Therefore, the petitioner is directed to send a copy of the appeal dated 20.02.2011 to the respondents within a period of one week from the date of receipt of a copy of this order. On receipt of such appeal, the respondents are directed to consider the appeal and pass orders thereon, on merits and in accordance with law, within a period of six weeks thereafter.

6. With the above direction, the writ petition is disposed of. No costs.

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सत्यमेव जयते Sd/-

Assistant Registrar (C.O)

//True Copy//

Sub Assistant Registrar

To

1. The Managing Director,
Tamil Nadu State Transport Corporation,
(Salem) Ltd.,
No.12, Ramakrishna Salai
Salem - 636 007.

2.The General Manager,
Tamil Nadu State Transport Corporation,
(Salem) Ltd.,
No.12, Ramakrishna Salai
Salem - 636 007.

+1cc to Mr.A.Nagarathinam, Advocate, S.R.No.86852

+1cc to Mr.R.K.Gandhi, Advocate, S.R.No.87380

W.P.No.33116 of 2018

SPD (CO)
KAK (22/01/2019)



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