



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.10.2018

CORAM:

THE HONOURABLE MR. JUSTICE S. VAIDYANATHAN

W.P. (MD) No. 20297 of 2018

and

W.M.P. (MD) Nos. 18060 and 18061 of 2018

R. Ramasubramaniam

... Petitioner

Vs.

1. The General Manager,
TNSTC,
Kumbakonam Division,
Maruthupathi,
Managiri Post,
Karaikudi,
Sivagangai District.

2. The Branch Manager,
TNSTC,
Kumbakonam Division,
Kovilur Road,
Karaikudi,
Sivagangai District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records of the second respondent in Ref.No.TNSTC/TS/D2/11/18, dated 25.05.2018 and quash the same and direct the respondents to allot the work to the petitioner and consequently to disburse the salary from 01.01.2018 onwards to the petitioner.

For Petitioner : Mr.P.Thirumahilmaran

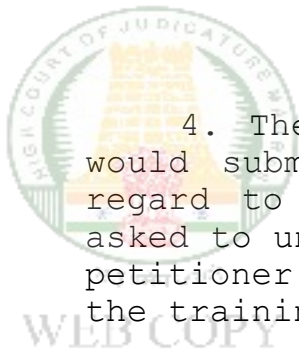
For Respondents : Mr.D.Sivaraman

ORDER

Mr.D.Sivaraman, learned standing counsel for T.N.S.T.C takes notice on behalf of the respondents.

2. By consent of both parties, the writ petition itself is taken up for final disposal.

3. The petitioner has come forward to file the present writ petition challenging the charge memo issued by the first respondent, dated 25.05.2018. However, during the pendency of the writ petition, as an interim arrangement, the respondents agreed to provide an employment to the petitioner without prejudice to the rights of the pending disciplinary proceedings, subject to the condition that the petitioner should undergo training, based on which employment would be given.



4. The learned Standing counsel appearing for the respondents would submit that the first phase of training is over and with regard to the second phase of training, the petitioner has been asked to undergo the training for a period of 30 days, for which the petitioner has given an undertaking. On satisfactory completion of the training, the petitioner would be given the job.

5. Recording the aforesaid submissions made by the learned Standing counsel for the respondents, the writ petition stands disposed of. However, providing of an employment based on the training would not preclude the first respondent from proceeding with the disciplinary proceedings, if they chose to proceed further. In that event, enquiry shall be conducted on day-to-day basis without adjourning the matter beyond 7 working days at any point of time. The enquiry shall commence after the period of training is over. It is open to the respondents to decide as to how they are going to treat the period of suspension, in case the petitioner was placed under suspension. No costs. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(W)

/True Copy/

Sub Assistant Registrar(CS-IV)

To

1. The General Manager,
TNSTC,
Kumbakonam Division,
Maruthupathi,
Managiri Post,
Karaikudi,
Sivagangai District.

2. The Branch Manager,
TNSTC,
Kumbakonam Division,
Kovilur Road,
Karaikudi,
Sivagangai District.

+1cc to Mr.P.Thirumahilmaran, Advocate Sr.No.91615

+1cc to Mr.D.Sivaraman, Advocate Sr.No.91204

AKV

KM/BK/SAR4/07.12.2018/2P/5C