

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 12.09.2019

CORAM:

THE HONOURABLE MR.JUSTICE SUBRAMONIUM PRASAD

W.P.No.7403 of 2010

Muthukumar

.. Petitioner

.Vs.

1.The Metropolitan Transport Corporation Ltd.,
Anna Salai, Chennai 600 002.

2.The Managing Director,
Metropolitan Transport
Corporation, Pallavan Illam,
Chennai 600 002.

3.The General Manager
(Administration)
Metropolitan Transport
Corporation Ltd., Anna Salai,
Chennai.

4.The Asst. Manager
(Personnel)
Metropolitan Transport
Corporation Ltd., Chennai.

.. Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India, for a Writ of Certiorarified Mandamus, calling for records pertaining to the order passed by the 2nd respondent herein in his proceedings No.20338/Sa-Pi(O.Na)/13/MTC/08 dated 24.11.2008 to quash the same as illegal and direct the respondents to reinstate the petitioner as Driver in the Metropolitan Transport Corporation Depot-I, Tondiarpet, Chennai.

For Petitioner : Ms.G.Sudha
for Ms.N.Mala

For Respondents : Mr.S.Rajeni Ramadas

O R D E R

The petitioner has challenged the order of termination passed by the Metropolitan Transport Corporation, Tondiarpet, Chennai, in his proceedings No.20338/Sa-Pi(O.Na)13/MTC/08 dated 24.11.2008.

2.The petitioner was employed as a driver in a Metropolitan Transport Corporation, Tondiarpet, as a reserve crew. He states that he suffered a severe attack of jaundice and he could not report for duty on 05.08.2008. He was advised not to go out because of the nature of the illness. The petitioner states that he was discharged from the service on 24.11.2008. The petitioner further states that he received a charge memo dated 20.09.2008, on the ground of misconduct under Clause 25(vi) and 25(XLiii) of the standing orders. The charge memo was received by the petitioner on 03.10.2008. The petitioner gave a reply to the charge memo, but the petitioner says that he was terminated from service without conducting any enquiry and without permitting the petitioner to explain his inability to attend office by necessary evidence.

3.The petitioner states that they have filed an appeal against the termination order, even though a copy of the appeal is filed in the typed set, the petitioner has not filed any proof of such an appeal having been filed in the office.

4.The issue pertains to the termination of employee. The petitioner states that the termination from the service has been ordered without any enquiry. It is stated that an appeal has been preferred against the order of termination. The petitioner is permitted to pursue the appeal made to Metropolitan Transport Corporation. If the appeal is not found on record, the petitioner is permitted to file a fresh appeal. The needful to be done by the petitioner within a period of two weeks from the date of receipt of a copy of the order. The appellate authority - Metropolitan Transport Corporation is directed to consider the appeal and pass appropriate orders within a period of four weeks from the date of receipt of a copy of the order.

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

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.The Metropolitan Transport Corporation Ltd.,
Anna Salai, Chennai 600 002.

2.The Managing Director,
Metropolitan Transport
Corporation, Pallavan Illam,
Chennai 600 002.

3.The General Manager
(Administration)
Metropolitan Transport
Corporation Ltd., Anna Salai,
Chennai.

4.The Asst. Manager
(Personnel)
Metropolitan Transport
Corporation Ltd., Chennai.

+1cc to Mr.S.Rajeni Ramadas, Advocate Sr.78810

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