

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.07.2019

CORAM:

THE HONOURABLE MRS.JUSTICE V.PARTHIBAN

W.P.No.21861 of 2019

Mr.K.Katturaja

.. Petitioner

Vs

1. The General Manager,
Tamil Nadu State Express Transport Corporation Limited,
Chennai-600 002.
 2. The Divisional Manager,
Tamil Nadu State Express Transport Corporation Limited,
(Formerly known as Thiruvalluvar Transport Corporation),
Tirunelveli Division,
Tirunelveli.
 3. The Branch Manager,
Tamil Nadu State Express Transport Corporation Limited,
(Formerly known as Thiruvalluvar Transport Corporation),
Tirunelveli Division,
Tirunelveli.
- ...Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the respondents herein to consider the petitioner's representation dated 10.12.2018 and pass appropriate orders in accordance with law by reinstating the petitioner as a Driver in their corporation by revoking a termination dated not known to the petitioner.

For Petitioner : Mr.Na.Malai Saravanan

For Respondents : Mr.Rajeni Ramadoss, SC

ORDER

This petition has been filed seeking for issuance of a Writ of Mandamus to direct the respondents herein to consider the petitioner's representation dated 10.12.2018 and pass appropriate orders in accordance with law by reinstating the petitioner as Driver in their corporation by revoking the

termination order dated not known to the petitioner within the stipulated time.

2. According to the petitioner, he was appointed as Driver in the respondent Corporation in the year 1990. His services were regularized on 01.01.1992 and thereafter, he was placed on regular time scale of pay. According to the averments, the petitioner was falsely implicated in a criminal case and a charge sheet was filed against him and others in SC.No.96 of 2004. The petitioner was arrayed as fourth accused in the said criminal case. According to the petitioner, the criminal Court has acquitted the petitioner on 16.05.2006. It appears that the petitioner has been sending representations to the respondent Corporation to reinstate him in service and finally, he sent a representation on 10.12.2018. Since there was no response forthcoming from the respondent Corporation, the petitioner has come before this Court seeking for issuance of a Mandamus.

3. In the entire affidavit, no specific fact has been disclosed as to when the petitioner's services came to be terminated and if terminated, on what basis termination order was issued by the Corporation. Except vaguely stating that he was terminated in 2006 or earlier, nothing has been stated in the affidavit, which is completely bereft of any details. Based on such bald affidavit, this Court cannot give a blanket direction to dispose of the representation dated 10.12.2018, said to have been submitted by the petitioner. This Court is unable to see any specific cause of action arose for consideration in this writ petition. This Court cannot act at the instance of the petitioner. The affidavit filed in support of the writ petition seems to be bald and does not even remotely spell out any cause of action. The petitioner approached this Court in 2019 and it appears to this Court that the petitioner has tried to revive stale claim which probably arose in 2006 or so, by merely seeking innocuous direction to dispose of the representation.

4. In the above said circumstances, this Court is of the view that the writ petition is not maintainable and hence, the same is dismissed. No costs.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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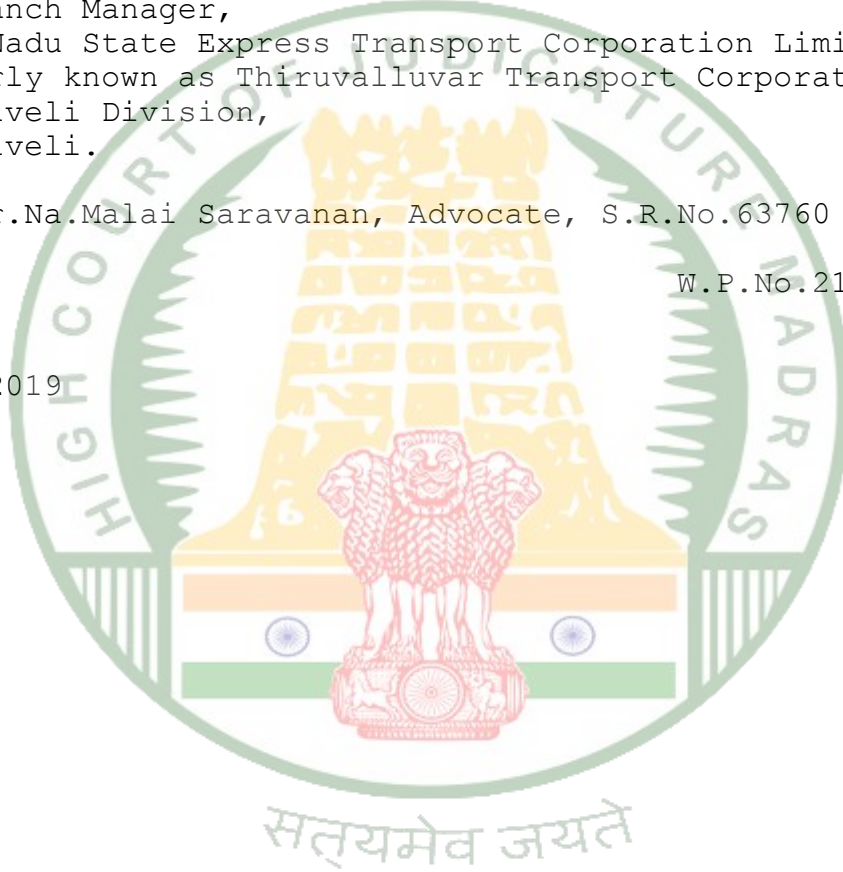
To

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Tirunelveli.

+lcc to Mr.Na.Malai Saravanan, Advocate, S.R.No.63760

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PA(CO)
CS/25/09/2019



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