



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.03.2019

WEB COPY

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P(MD) No.15301 of 2015

V.Ahamed Kasim @ V.Subramanian

... Petitioner

VS

1. The General Manager,
Tamil Nadu State Transport
Corporation (Madurai) Ltd.,
Dindigul Region,
Dindigul District.

2. The Branch Manager,
Tamil Nadu State Transport
Corporation (Madurai) Ltd.,
Dindigul Region,
Bathalagundu Branch,
Dindigul District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the first respondent to reinstate the petitioner in service as Driver in the second respondent branch in the light of order made in A.P.No.310 of 2012 dated 30.06.2014 passed by the Special Deputy Commissioner of Labour, by considering the petitioner's representation, dated 23.05.2015, within the period that may be stipulated by this Court.

For Petitioner : Mr.Anawaz Khan
for M/s Ajmal Associates

For Respondents : Mr.A.P.Muthupandian

ORDER

The Writ Petition is filed seeking a direction to first respondent to reinstate the petitioner in service as Driver in the second respondent branch in the light of the order made in A.P.No.310 of 2012, dated 30.06.2014 passed by the Special Deputy Commissioner of Labour, by considering the petitioner's representation, dated 23.05.2015, within the stipulated period as fixed by this Court.



2. Heard the learned Counsel appearing for the petitioner and the learned Standing Counsel appearing for the respondents and perused the materials available on record.

3. Seeking shelter under the Appellate Authority's order in A.P.No.310 of 2012, dated 30.06.2014, the petitioner sought reinstatement into service and to that effect, he made a representation to the first respondent on 23.05.2015. Since no action is forthcoming, the petitioner is before this Court by filing this Writ Petition.

4. On the other hand, the first respondent has filed a counter affidavit, wherein at paragraph No.7, it is stated as follows:

" 7. I humbly submit that the respondent Transport Corporation had also filed W.P.(MD)No.5131 of 2016 by challenging the proceedings passed by the Special Deputy Commissioner of Labour, Chennai in A.P.No.67 of 2010, before the Hon'ble Madurai Bench of Madras High Court and the same is still pending."

5. The learned Counsel appearing for the petitioner in reply submitted that the above stated writ petition has not yet been admitted and no interim order has been passed by this Court.

6. In such view of the matter, without going into the merits of the petitioner's case, the first respondent is directed to consider the representation of the petitioner dated 23.05.2015 and pass appropriate orders on merits and in accordance with law, after affording an opportunity of hearing to the petitioner, within a period of four weeks from the date of receipt of a copy of this order.

7. The Writ Petition stands disposed of with the above direction. No costs.

Sd/-

Assistant Registrar (AE)

// True Copy //

Sub Assistant Registrar(CS)

To

1. The General Manager,
Tamil Nadu State Transport
Corporation (Madurai) Ltd.,
Dindigul Region, Dindigul District.



2.The Branch Manager,
Tamil Nadu State Transport
Corporation (Madurai) Ltd.,
Dindigul Region,
Bathalagundu Branch,
Dindigul District.

+1 CC to MR.A.P.MUTHU PANDIAN, Advocate (SR-52136[F] dated
06/03/2019)

+1 CC to MR.AJMAL ASSOCIATES, Advocate (SR-52172[F] dated
07/03/2019)

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