



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.09.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P(MD)No.20421 of 2019

K.Jeyasheelan

... Petitioner

vs.

1.The Managing Director,
TNSTC, Madurai Region,
Madurai District.

2.The General Manager,
TNSTC, Madurai Region,
Madurai District.

3.The Assistant Manager (Law),
TNSTC, Madurai Region,
Madurai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to direct the respondents to regularize the service of the petitioner as per the representation dated 02.07.2019.

For Petitioner : Mr.K.C.Ramalingam

For Respondents : Mr.J.Senthil Kumariah

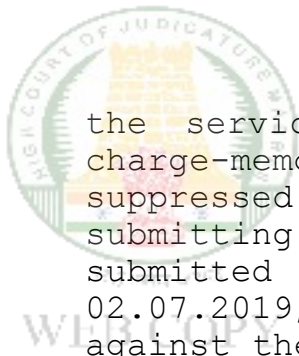
ORDER

This Writ Petition is filed seeking for a Writ of Mandamus, to direct the respondents to regularize the service of the petitioner, by considering his representation, dated 02.07.2019.

2.Mr.J.Senthil Kumariah, learned counsel accepts notice on behalf of the respondents.

3.By consent of both parties, the Writ Petition is taken up for final disposal at the stage of admission itself.

4.According to the petitioner, he was appointed as a temporary (reserve crew) driver by the second respondent on 01.01.2015 and subsequently, he was appointed as daily wage driver on 01.11.2017. Further, according to the petitioner, after completion of one year, his service ought to have been regularized. Instead of regularizing



the service of the petitioner, the second respondent issued a charge-memo, dated 20.06.2019, alleging that the petitioner suppressed his involvement in the criminal case, at the time of submitting his application for appointment as driver. The petitioner submitted his explanation to the charge memo, dated 20.06.2019, on 02.07.2019, stating that a case in Crime No.42 of 2011, registered against the petitioner, on the file of Nagamalai Pudukkottai, Police Station was closed as barred by limitation. On the above ground, the petitioner has sent a representation, dated 02.07.2019, to the respondents to regularize his service. Since the same has not been considered so far by the respondents, the petitioner has filed the present Writ Petition.

5.The learned counsel, who has accepted notice on behalf of the respondents, submitted that the charge-memo, dated 20.06.2019, was issued to the petitioner and he submitted his explanation on 02.07.2019 and the proceedings are pending. The learned counsel for the respondents further submitted that in view of the pendency of the proceedings, the petitioner is not entitled for regularization of his service and the petition is devoid of merits and therefore, prayed for dismissal of the Writ Petition.

6.Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondents.

7.From the materials available on record, it is seen that the petitioner himself has stated that a charge-memo, dated 20.06.2019, has been issued to him. According to the petitioner, he has not suppressed his involvement in the criminal case at the time of submitting the application and in criminal case, he was not convicted. However, this contention can be raised only before the respondents, who shall decide the same on merits in the disciplinary proceedings.

8.In view of the pendency of the disciplinary proceedings, the petitioner is not entitled for the relief sought for in the Writ Petition and the Writ Petition is dismissed. No costs.

Sd/-

Assistant Registrar(CS-II)

// True Copy //

Sub Assistant Registrar(CS)

ps



To

1.The Managing Director,
TNSTC, Madurai Region,
Madurai District.

2.The General Manager,
TNSTC, Madurai Region,
Madurai District.

3.The Assistant Manager (Law),
TNSTC, Madurai Region,
Madurai District.

+1CC TO MR.J.SENTHIL KUMARAIAH, Advocate Sr. No. 88741

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MA (CO)
TR(14.10.2019) 3P 5C