



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: **17.12.2019**

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH
W.P.(MD) No.26828 of 2019

WEB COPY

K.Thiagarajan

... Petitioner

Vs.

1.The Managing Director,
Tamilnadu State Transport Corporation (Madurai)Ltd.,
Bye Pass Road, Madurai-625016.

2.The General Manager,
Tamil Nadu State Transport Corporation (Madurai)Ltd.,
Dindigul Region, Dindigul-4. ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus, directing the respondents to revise, review and drop the punishment of increment cut with cumulative effect for 1 year in terms of Clause 61 of the 12(3) Settlement dated 30.09.1992 and in view of the acquittal of the petitioner in C.C.No.140 of 2010 by the Judicial Magistrate, Andipatty by order dated 11.07.2017 for the alleged accident on 08.05.2009 as the petitioner was not responsible.

For Petitioner : Mr.S.Govindan
For Respondents : Mr.J.Senthilkumaraiah

ORDER

By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

2.In view of the petitioner's involvement in the criminal case, the charges came to be levelled against the petitioner and ultimately he was imposed with the punishment of stoppage of increment with cumulative effect for a period of one year, on 12.08.2009, by the second respondent. Subsequently, criminal case has now ended in acquittal, on 11.07.2017 in C.C.No.140 of 2010 on the file of the learned Judicial Magistrate, Andipatty. The learned counsel appearing for the petitioner would submit that the said judgment has become final.

3.In view of the acquittal, the petitioner had given a representation to the first respondent herein seeking to set aside the punishment imposed on him by the second respondent. Though the punishment was imposed way-back on 12.08.2009, it is seen that the acquittal order was passed only on 11.07.2017 and the petitioner had



also given representation to the first respondent on 23.10.2018. Therefore, the delay on the part of the petitioner in approaching the first respondent, cannot be deemed to be inordinate in nature.

4. Whenever a representation is made to a statutory authority to redress the claim of the employee, there is a duty cast upon the respondents to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. Such an inaction would amount to dereliction of duties and thereby this Court would be justified in invoking its extraordinary powers under Article 226 of Constitution of India and thereby direct such authority to consider the representation within the stipulated time.

5. In view of the above observations, there shall be a direction to the first respondent herein to consider the petitioner's representation, dated 23.10.2018, on its own merits and pass appropriate orders within a period of eight (8) weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any of its view with regard to the claim made by the petitioner in her representation and it is for the respondents to consider it in accordance with law.

6. With the above directions, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-III)

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/ /2020

Sub Assistant Registrar (CS)

Gns

To

1. The Managing Director,
Tamilnadu State Transport Corporation (Madurai) Ltd.,
Bye Pass Road, Madurai-625016.

2. The General Manager,
Tamil Nadu State Transport Corporation (Madurai) Ltd.,
Dindigul Region, Dindigul-4.

+1 CC to MR.S.GOVINDAN, Advocate (SR-105270[F] dated 17/12/2019)
+1 CC to MR.J.SENTHI KUMARAI AH, Advocate (SR-105726[F] dated 18/12/2019)

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