



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.12.2019

CORAM:

**THE HONOURABLE MRS. JUSTICE J.NISHA BANU**

W.P.(MD) No.26986 of 2019

Christoper

Petitioner

Vs

1. Tamil Nadu State Transport Corporation Limited  
Rep by the Managing Director  
Tirunelveli and Nagercoil Zones  
K.T.C.Nagar  
Tirunelveli - 627 011

2. General Manager  
Tamil Nadu Transport Corporation Limited  
Tirunelveli Zone  
Vannarpet  
Tirunelveli - 627 003

Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certioiarified Mandamus, calling for the records in A.Aa.No.d7989/S6/ONTU/TAPOKA/Ti Li/18 dated 17.12.2018 issued by the second respondent, quash the same and consequently direct the respondents to settle the wages for the period on 19.01.2017 to 17.04.2018 with interest at the rate of 12% per annum and pass such other orders.

For Petitioner : Ms.D.Geetha

For Respondents : Mr.K.Sathya Singh

**O R D E R**

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

2. The case of the petitioner is that he entered into service under the respondent Corporation as a driver on 10.09.1993. The petitioner was directed to undergo medical examination for his eyes and as such he appeared before Dr.Agarwal Eye Hospital. Thereafter, the respondents directed the petitioner to appear for another check up with Aravind Eye Hospital and the same was challenged by the petitioner in Writ Petition No.3125 of 2017 and on 23.02.2017, wherein, this Court directed the petitioner to appear before the Medical Board under the Government



Hospital, based on the report of the Medical Board, the respondents are directed to accommodate the petitioner in a suitable employment. The report of the Medical Board states that the petitioner was fit for driving. Once again, the petitioner was directed to appear before the private hospital by a letter dated 06.01.2018. Challenging the same, the petitioner has filed a Writ Petition in W.P.(MD) No.7348 of 2018 seeking for a direction to the respondent to refer the petitioner to Tirunelveli Medical College Medical Board and the same was allowed by this Court. Pending disposal of the Writ Petition, the petitioner was not permitted to join duty, though he reported for duty. Thereafter, the petitioner undergone medical examination at Tirunelveli Medical College Medical Board and report has also been issued to the petitioner stating that he is fit for doing his job as a driver and thereafter, he was permitted to report for duty. Subsequently, he was issued with a charge sheet alleging that without prior permission, he had not reported for duty. Enquiry as against the petitioner was conducted and the Enquiry officer concluded that the charges against the petitioner were not proved. Though the charges as against the petitioner were not proved, the second respondent inflicted a penalty of warning, denied the wages for a period of 222 days. Hence, with no other alternate, the petitioner is before this Court with this present Writ Petition.

3. Heard both sides and perused the documents.

4. The learned counsel for the petitioner submitted that the impugned order dated 17.12.2018 has to be set aside and the petitioner is entitled for a sum of Rs.2,08,969/- towards the forced non-employment. Hence, direction may be issued to the respondents to dispose of the appeal preferred by the petitioner on 29.03.2019.

5. The learned counsel for the respondents submitted that there is no objection to dispose of the appeal preferred by the petitioner.

6. Considering the limited prayer sought for in the present writ petition, it would be appropriate to direct the first respondent to dispose of the appeal preferred by the petitioner on 29.03.2019, expeditiously, within the stipulated time.

7. In view of the above observations, there shall be a direction to the first respondent to dispose of the appeal filed by the petitioner, dated 29.03.2019 as expeditiously as possible, in any event, within a period of eight weeks from the date of receipt of a copy of this order.



WEB COPY

**WP(MD) No.26986 of 2019**

8. With the above direction, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (RECORDS)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

vrn

To

The Managing Director  
Tamil Nadu State Transport Corporation Limited  
Tirunelveli and Nagercoil Zones  
K.T.C.Nagar  
Tirunelveli - 627 011

+1 CC to MRS.D.GEETHA, Advocate ( SR-105850[F] dated 19/12/2019 )

+1 CC to MR.K.SATHIYASINGH, Advocate ( SR-106109[F] dated 20/12/2019 )

**W.P. (MD) No.26986 of 2019**

**19.12.2019**

\_KM/(10.01.2020) 3P 4C