

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 17.07.2020

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P. NO. 17290 OF 2013

R.Sriram

..Petitioner

- Vs -

1.Tamilnadu State Transport
Corporation (Villupuram) Ltd,
Rep. By its Managing Director,
Vazhudareddy, Villupuram

2.The General Manger,
Tamilnadu State Transport
Corporation (Villupuram) Ltd,
Kancheepuram Region,
Kancheepuram.

...Respondents

Writ petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of Mandamus, directing the respondents to issue an order bringing the petitioner to daily rated/daily paid service with staff number from the date on which the other similarly placed drivers were issued orders and also to permit the petitioner for work with wages with effect from 05.09.2012, award costs.

For Petitioner : Mr.V.Ajay Khose
For Respondents : Mr.S.Thangavel , Spl.G.P. For R1
: No appearance for R2

ORDER

The petitioner joined service on the 1st respondent corporation as a reserve Driver in the year 2010 on daily rated basis and was posted to work at Kalpakkam Depot which is coming under the control of the 2nd respondent. On 05.09.2012, when he was driving the bus, an accident took place. The petitioner is no way responsible for the accident, however a case had been registered against the petitioner in Cr.No.580/2012 on the same day under section 279 and 304-A IPC and the petitioners original driving license was seized by the Kelampakkam Police on 20.09.2012. The Branch Manger of Kalpakkam depot in which the

petitioner has been working orally denied employment and the petitioner was not permitted in duty from 06.09.2012 onwards. Since no order was passed under section 19(1), for return of his original driving license, the petitioner filed WP. No.33128 of 2012 and this Court by its order dated 12.12.2012, issued a direction to the RTO Chennai -45 to return his license immediately. After receipt of original driving licence from the RTO, based on the directions issued by this Court, the petitioner made two representations dated 04.02.2013 and 15.05.2013 to the 2nd and 1st respondents respectively and requested them to permit him to work. The grievance of the petitioner is that though he was a reserve driver governed by the certified standing orders, he was denied employment orally after the accident though he was not responsible for the said accident without issuing any suspension order, he was not allowed to work. The petitioner was to receive salary from 05.09.2012. It is the grievance of the petitioner that similarly situated persons have been issued orders bringing them under daily rated service but the same benefit was not given to the petitioner, though he is entitled to be brought as daily paid/daily related driver. Therefore, left with no other option, the petitioner approached this Court by filing this writ petition with the above said prayer.

2. Though very many grounds have been raised in the writ petition, however, when the matter is taken up, learned counsel appearing for the petitioner submitted that though similarly situated persons were given employment however the petitioner was not considered. it would be suffice if this Court directs permit the petitioner to make representation to the respondents within a period of one week and thereafter, based on such representation, the respondents may pass orders within a particular time frame as fixed by this Court.

3. On the above contention, this Court heard the learned Special Government Pleader appearing for the 1st respondent, who has no objections to such a direction being passed.

4. In view of the limited relief sought for, this Court without going into the merits of the issue, directs the petitioner to submit a fresh representation along with a copy of this order to the 2nd respondent, within a period of one week from the date of receipt of a copy of this order and on such representation being filed, the 1st and 2nd respondents are directed to consider the same and pass thereon in accordance with law within a period of three months thereafter.

5. With the above direction, this writ petition is disposed off. However, there shall be no order as to costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

jrs

To

1.Tamilnadu State Transport
Corporation (Villupuram) Ltd,
Rep. By its Managing Director,
Vazhudareddy, Villupuram

2.The General Manger,
Tamilnadu State Transport
Corporation (Villupuram) Ltd,
Kancheepuram Region,
Kancheepuram.

+1cc to Mr.CSK.Sathish, Advocate, S.R.No.24836

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LN (CO)
KKV/04/08/2020

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