

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.02.2020

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P No.3670 of 2020

T.Shengottaiyan

Petitioner

vs.

1. The General Manager,
Tamil Nadu State Transport Corporation (Salem) Ltd.,
12, Ramakrishna Salai,
Salem - 636 007.

2. Tamil Nadu State Transport Corporation (Salem) Ltd.,
Represented by its Managing Director,
12, Ramakrishna Salai,
Salem - 636 007.

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to treat the period of absence of the petitioner during the period from 08.11.2018 to 16.03.2019 as duty period and to pay salary and other service and monetary benefits due to him under law.

For Petitioner : Mr.V.Kannan

For Respondents: Mr.D.Raghu
Standing Counsel

O R D E R

This writ petition has been filed for issuance of a writ of mandamus directing the respondents to consider the representation made by the petitioner on 22.02.2019 and pass appropriate orders within the time stipulated by this Court.

2.The case of the petitioner is that he was working as a Driver in the respondent Corporation. He met with a road accident and sustained serious injuries in his head. Due to his ailments, he was not able to regularly attend the duty. The petitioner was also requesting respondent Corporation to provide him with a light duty in view of the ailments suffered by him.

In the meantime, a charge memo came to be issued against the petitioner on 10.12.2018 on the ground that the petitioner was unauthorizedly absenting himself from duty. The petitioner had given a representation to the respondents on the ground that there were valid reasons for the petitioner for not attending the duty and that apart, the petitioner was also seeking for a light duty and to consider the period of his absence as duty period. Since, no action was taken either on the charge memo or on the representation given by the petitioner, the present writ petition has been filed before this Court seeking for appropriate directions.

3. Heard Mr.V.Kannan, learned counsel appearing on behalf of the petitioner and Mr.D.Raghu, learned Standing Counsel appearing on behalf of the respondents.

4. Taking into consideration the facts and circumstances of the case and also the limited relief that has been sought for in this writ petition, there shall be a direction to the 1st respondent to consider the representation made by the petitioner on 22.02.2019 and take a decision on the same as to whether the respondents are going to proceed further with the disciplinary proceedings or they are going to consider for giving any light duty to the petitioner. A decision in this regard shall be taken, within a period of four weeks from the date of receipt of copy of this order. In case, the 1st respondent Corporation wants to proceed further with the disciplinary proceedings, the same shall be completed within a period of eight weeks. The petitioner is directed to make a fresh representation to the 1st respondent along with a copy of the representation dated 22.02.2019 and a copy of this order.

5. This writ petition is disposed of with the above directions. No Costs.

Sd/-

Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

ssr

To

1. The General Manager,
Tamil Nadu State Transport Corporation (Salem) Ltd.,
12, Ramakrishna Salai,
Salem - 636 007.

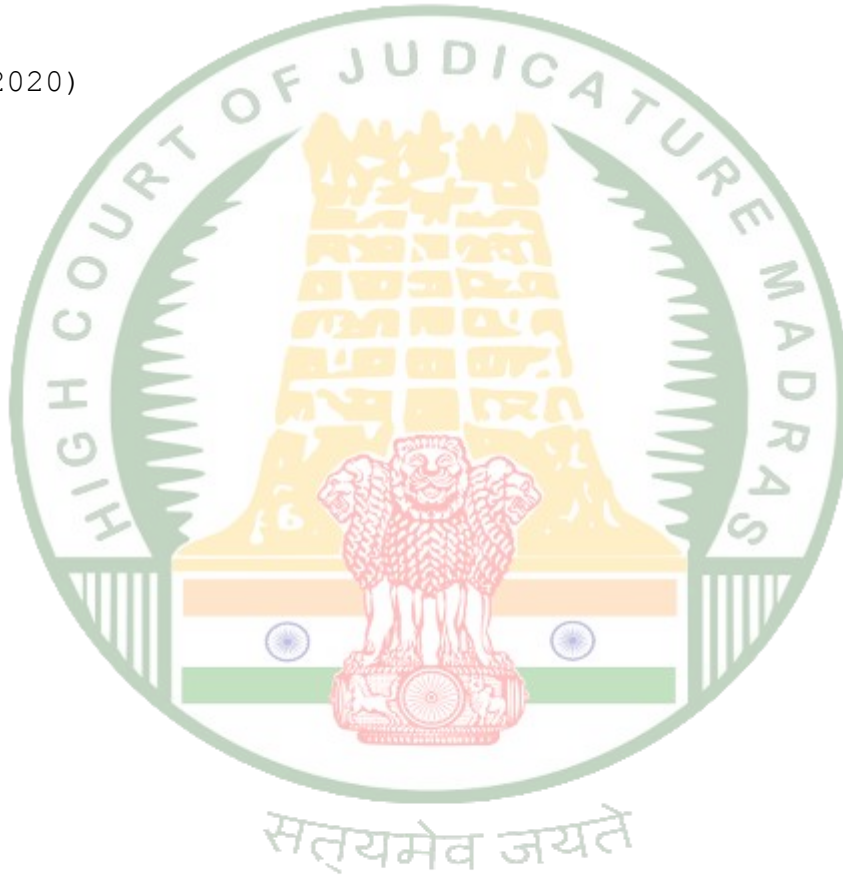
2. The Managing Director,
Tamil Nadu State Transport Corporation (Salem) Ltd.,
12, Ramakrishna Salai,
Salem - 636 007.

+2cc to Mr.A.L.Gopalan, Advocate, S.R.No. 12725

+1cc to Mr.D.Raghu, Advocate, S.R.No. 12802

W.P No.3670 of 2020

SR(CO)
GN(20/03/2020)



WEB COPY