



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.03.2020

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P. (MD) No. 2827 of 2020

R. Baskaran

... Petitioner

Vs.

The General Manager,
Tamil Nadu State Transport Corporation
(Madurai) Limited,
Madurai Division, Madurai.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of **writ of Mandamus**, directing the respondent to consider the representation of the petitioner, dated 20.12.2019 and to drop further proceedings relating to the charge memo in OoNaThu/D1/A.Na/DR/3474, dated 20.6.2019 and to regularize the duty of the petitioner from the date of suspension till the date of revocation of suspension i.e. from 30.5.2019 to 1.7.2019 within a time frame as may be fixed by this Court.

For Petitioners : M/s.P.Jessi Jeeva Priya

For Respondents : M/s.J.Senthil Kumaraiah

O R D E R

This Writ petition has been filed seeking direction to the respondent to consider the representation of the petitioner, dated 20.12.2019 and to drop further proceedings relating to the charge memo in OoNaThu/D1/A.Na/DR/3474, dated 20.6.2019 and to regularize the duty of the petitioner from the date of suspension till the date of revocation of suspension i.e. from 30.05.2019 to 01.07.2019 within a time frame as may be fixed by this Court.

2. The writ petitioner joined as driver in the office of the respondent on 12.02.2013 and completed 240 days on 14.08.2015 and conferred with permanent status on 14.08.2015. The petitioner service as driver was regularized on and from 14.06.2015. The petitioner had been working as a driver for the past 6 years in the route from Periyar Bus stand to Alagarkoil in the bus bearing registration No.TN-58-N-1469.

3. The case of the petitioner is that on 29.05.2019 when the petitioner was driving the above said bus near Sundarajanpatti burial ground, a two wheeler bearing registration No.TN-59-AV-4725 coming from opposite direction, while tried to overtake a jeep



bearing registration No.TN-59-BQ-7158 , dashed against the bus and the billion rider died on the spot and caused damage to the front side body of the bus. The FIR was registered in Crime No. 130 of 2019 for the offences under Sections 279, 337 and 304(A) of IPC on 29.05.2019. Based on the above First Information Report the petitioner was suspended by the respondent by Order, dated 30.05.2019. Subsequently, the respondent revoked the suspension by its proceedings ONaThu/D1/DR/3474, dated 18.06.2019. Thereafter, a charge memo was issued by the respondent in his proceedings ONaThu/D1/DR/3474, dated 20.06.2019 for the alleged offence mentioned in the First Information Report. The Inspector of Police, by letter dated 23.06.2019 has stated that the accident took place due to the drunken drive of the driver of the two wheeler. Since the vehicle was driving in rash and negligent manner dashed against the bus which resulted death of the driver of the billion driver. The Inspector of Police, Oomachikulam Circle, Madurai District has filed final report, dated 18.12.2019 before the learned Judicial Magistrate No.V, Madurai, and the petitioner's name was deleted. In the meanwhile, the respondent had initiated disciplinary proceedings for which the petitioner gave his explanation and enquiry was conducted and thereafter, a show cause notice, dated 23.10.2019 was issued stating that the charges were proved and asked for explanation. In the meanwhile, the petitioner's name has been deleted in the First Information Report. Therefore, the petitioner had given a representation, dated 20.12.2019 to the respondent which is not considered till date.

4. Considering the limited scope of prayer, the respondent is directed to consider the representation of the petitioner dated 20.12.2019 and pass appropriate order, within a period of Four Weeks from the date of receipt of a copy of this order.

5. With the above observations, this writ petition stands disposed of. No costs.

Sd/-

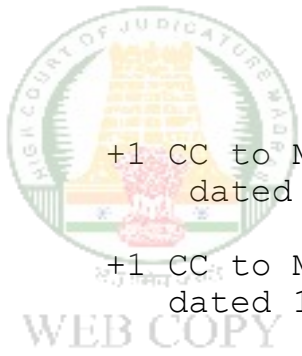
Assistant Registrar ()

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Sub Assistant Registrar(CS)

Ksa



+1 CC to M/s.J.SENTHIL KUMARAI AH, Advocate (SR-10919[F]
dated 10/03/2020)

+1 CC to M/s.P.JESSI JEEVA PRIYA, Advocate (SR-10950[F]
dated 11/03/2020)

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