



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : **03.03.2020**

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU
W.P (MD)No.4435 of 2020

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AL.S.Periakaruppan

... Petitioner

Vs.

1.The Principal Secretary to Government,
Transport Department,
Government of Tamil Nadu cum
Ex-officio Chairman,
All Tamil Nadu State Transport
Corporation Limited,
Fort St. George,
Chennai - 600 009.

2.The Managing Director,
Tamilnadu State Transport Corporation
(KMB) Ltd.,
New Railway Station Road,
Kumbakonam - 612 001.

... Respondents

PRAYER: Writ Petition has been filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, to direct the first respondent to dispose of the petitioner's representation dated 05.02.2020 within a stipulated time.

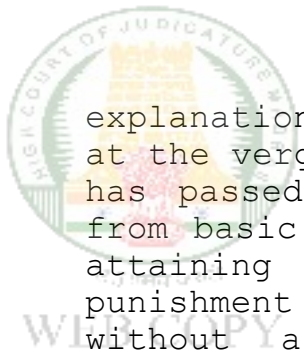
For petitioner : Mr.K.Gokul
For 1st respondent : Mr.M.Karuppasamy Pandian,
Government Advocate
For 2nd respondent : Mr.P.Balasubramanian

ORDER

This Writ Petition has been filed by the petitioner seeking a direction to the first respondent to dispose of his representation dated 05.02.2020 within a stipulated time.

2. By consent, the Writ Petition itself is taken up for final disposal.

3. The learned counsel for the petitioner submitted that while the petitioner was serving as Deputy Manager (Admin) under the respondents, he was issued with a charge memo dated 25.11.2017, for which he has also submitted his explanation on 22.12.2017. Thereafter, once again, the 2nd respondent issued a second show cause notice dated 19.02.2018, for which also he gave his



explanation/representation on 03.03.2018 and 23.03.2018. While so, at the verge of his retirement ie., on 23.03.2018, the 2nd respondent has passed an order, imposing punishment of "one stage reduction from basic pay". Then, the petitioner was retired from service on attaining the age of superannuation ie., on 31.03.2018. As the punishment order was passed without conducting any enquiry and without assigning any reason, the petitioner has filed an appeal/representation to the first respondent on 05.02.2020. As the same was not considered by the first respondent, the petitioner has come up with this writ petition. Thus, he prayed to direct the first respondent to dispose of the petitioner's appeal/representation dated 05.02.2020 within a stipulated time.

4. The learned Government Advocate appearing for the first respondent submitted that the first respondent would consider the appeal/representation of the petitioner dated 05.02.2020 as early as possible.

5. Considering the facts and circumstances of the case and also considering the submission of the learned counsel for the petitioner that the punishment order has been passed without conducting any enquiry or without assigning any reason, the first respondent is directed to consider the appeal/representation of the petitioner dated 05.02.2020 and pass appropriate order on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

6. This Writ Petition stands disposed of accordingly. No costs.

Sd/-

Assistant Registrar (records)

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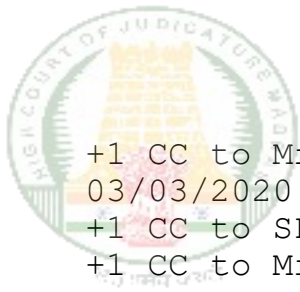
/ /2020

Sub Assistant Registrar(CS)

gcg

To

The Principal Secretary to Government,
Transport Department,
Government of Tamil Nadu cum
Ex-officio Chairman,
All Tamil Nadu State Transport
Corporation Limited,
Fort St. George,
Chennai - 600 009.



+1 CC to Mr.P.BALA SUBRAMANIAN, Advocate (SR-9853[F] dated 03/03/2020)

+1 CC to SPL.GP (SR-9970[F] dated 04/03/2020)

+1 CC to Mr.K.GOKUL, Advocate (SR-10048[F] dated 04/03/2020)

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Order made in
W.P (MD) No.4435 of 2020
03.03.2020

MK (12.03.2020) 3P 5C