



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **22.09.2020**

CORAM

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P.(MD)No.12294 of 2020

(Through Video conferencing)

S.Elangovan

...Petitioner

-Vs-

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

2.The General Manager,
Tamilnadu State Transport Corpn., (KMB), Ltd.,
Karaikudi Region,
Maruthupathi Nagar,
Managiri Post, Karaikudi,
Sivagangai District.

...Respondents

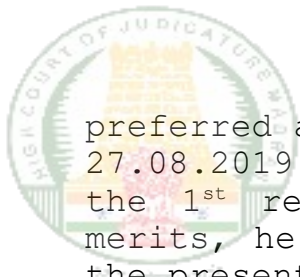
Prayer: Writ Petition - filed under Article 226 of Constitution of India, to issue a writ of Mandamus, to direct the respondent to dispose the Appeal/Representation dated 27.082019 within stipulated time fixed by this Court.

For Petitioner : Mr.K.Gokul
For Respondents : Mr.P.Balasubramanian,
standing counsel

ORDER

The Prayer sought for in this writ petition is for a writ of Mandamus, to direct the respondent to dispose the Appeal/Representation dated 27.082019 within stipulated time fixed by this Court.

2.The petitioner was working at the respondent Transport Corporation as Senior Superintendent and on superannuation, he retired from service on 30.11.2017. After retirement, against the petitioner, some disciplinary proceedings, which was already pending, was concluded, where, a punishment of reduction of pay of one stage with cumulative effect was inflicted against the petitioner on 13.06.2018. In this context, it is the grievance of the petitioner that, in respect of the same disciplinary proceedings as against the Deputy Manager one Yogarajan and Assistant Manager one Periakaruppan, only a penalty of payment was imposed, whereas, against the petitioner, such a punishment of stoppage of increment for one stage with cumulative effect since was inflicted, against the disproportionate punishment inflicted against the petitioner, he



preferred an appeal by way of representation to the 1st respondent on 27.08.2019 and the said appeal/representation is still pending with the 1st respondent. Therefore, in order to decide the same on merits, he seeks indulgence of this Court and accordingly, he filed the present writ petition.

WEB COPY

3. Heard the learned counsel appearing for the petitioner, who would submit that, if direction is given to the 1st respondent to decide the appeal of the petitioner dated 27.08.2019 filed by the petitioner before the 1st respondent against the punishment imposed against him by the 2nd respondent and if the appeal is decided within a time frame that may be stipulated by this Court on merits and in accordance with law, the petitioner would be satisfied.

4. Heard the learned standing counsel appearing for the respondents, who would submit that, six months time may be given to the 1st respondent to decide the appeal on merits as the file has to be called for from the 2nd respondent and thereafter has to be decided.

5. Considering the limited scope of the prayer sought for herein and by taking into account the submissions made by both sides, this Court is inclined to dispose of this writ petition with the following order:

"The 1st respondent is hereby directed to dispose of the appeal filed by the petitioner dated 27.08.2019 as against the order of punishment made against the petitioner by the 2nd respondent dated 13.06.2018 and pass orders thereon, on merits and in accordance with law, within a period of four months from the date of receipt of a copy of this order."

6. With the above direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

Arul

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



To

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

+1CC to Mr.P.Balasubramanian, Advocate, SR.No.17775 dated 23/09/2020

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22.09.2020

CK (CO)

KB(11.01.2021) 3P 3C