



WEB COPY

W.P.(MD).No.21020 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.12.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD).No.21020 of 2015

and M.P. (MD)No.1 of 2015

and

WMP (MD)No.18137 of 2017

K.Annadurai

... Petitioner

-Vs-

1. The Management of Tamil Nadu State Transport Corporation (Kumbakonam) Limited,
Rep. by its Managing Director,
Kumbakonam.

2. The General Manager,
Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
Pudukottai Region, Pudukottai.

3. The Branch Manager,
Pudukottai Mofussil Branch of
Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
Pudukottai Region, Pudukottai.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to provide duty to the petitioner with effect from 17.02.2015 and to treat the period from 17.02.2015 to the date of permitting him to join duty as his duty period for all purpose and to pay him all benefits for the same including wages.

For Petitioner : Mr.RM.Sivakumar
For Respondents : Mr.D.Sivaraman
Standing Counsel

ORDER

The learned Standing Counsel appearing on behalf of the respondents made a submission that the relief sought for in the present writ petition to permit the writ petitioner to join duty has already been granted. The petitioner was allowed to join duty on 23.02.2019 and the writ petitioner is now working. Even, the disciplinary proceedings initiated against the writ petitioner was disposed of on 25.06.2020. The said fact is stated in Paragraph Nos.11 and 12 of the counter affidavit, which are extracted hereunder:-

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"...11.It is submitted that the petitioner was joined duty w.e.f., 23.02.2019 and he is working in the respondent Corporation. He was issued Charge Memo dated 04.04.2019 for the conviction and remanded in jail from 11.09.2014 to 16.02.2015. He was suspended for duty from 08.04.2019. The petitioner participated in the enquiry on 23.04.2019. The enquiry officer submitted his findings on 25.04.2019. The management has independently analyzed the enquiry proceedings, documents, findings of the enquiry officer and the explanation submitted by the petitioner and the management has come to an independent conclusion that the charges held to have been proved by the enquiry officers are all proved to their satisfaction. Also the findings of the enquiry officer are accepted in toto. The petitioner received the findings of the enquiry officer on 25.04.2019. The respondent corporation issued show cause notice on 10.06.2020 for imposing punishment of two year increment cut with cumulative increment. After receipt of show cause notice the petitioner submitted explanation on 23.06.2020.

12.It is submitted that the respondent Corporation after taking into account the grave and serious acts of misconduct committed by the petitioner and after considering his past record of service and also other extenuating circumstances he was issued final order of six month increment cut with cumulative effect and the suspension period was treated as eligible leave and the absent period from 11.09.2014 to 16.02.2015 was treated as non-qualifying service."

2.In view of the fact that the grievance of the writ petitioner has already been redressed, no further adjudication is required and accordingly, the writ petition stands closed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-III)

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Sub Assistant Registrar(CS)

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+1 CC to Mr.D.SIVARAMAN, Advocate SR-25473.

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