



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.11.2020

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.(MD)No.3153 of 2015

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Murugan

Driver - EDP.No.91DV023

State Express Transport Corporation

(Tamil Nadu) Ltd.,

Tirunelveli.

... Petitioner

Vs.

1.The General Manager,

State Express Transport Corporation

(Tamil Nadu) Ltd,

Pallavan Salai, Chennai - 02.

2.The Managing Director,

State Express Transport Corporation

(Tamil Nadu) Ltd,

Pallavan Salai, Chennai - 600 002.

3. The Government of Tamil Nadu,

Rep. by Secretary to Government,

Transport Department,

Fort St.George, Chennai - 600 002.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari Mandamus, to call for the records pertaining to the proceedings of the first respondent in Memo.No. 29708/எல்10/எஸ்எம்/அவிபோக/2014 dated 11.11.2014 and quash the same and consequently directing the respondents to treat the period of the absence of the petitioner from 9.9.2004 to 19.12.2006 due to medical treatment as duty period or as special Disability leave and to grant consequential service and monetary benefits like salary for the said period, review benefits, weightage, increments due to him under law.

For Petitioner

: Mr.V.karnan

For R1

: Mr.K.Sathiya Singh

Standign Counsil

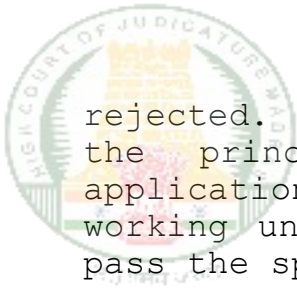
For R3

: Mr.C.M.Marichellaiah Prabhu

Additional Government Pleader

O R D E R

The impugned order is non-speaking. It is unfortunate to state that the responsible officials holding the post of General Manager is passing an order by stating that there is no *prima facie* ground and therefore, the petition filed by the petitioner is



rejected. Such a reply is insufficient and not in consonance with the principles of law. An Executive, on receipt of any application/representation from the aggrieved person, who all are working under him is expected to consider the case on merits and pass the speaking order.

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2. Authorities while deciding the issues with reference to the grievances of the employees are expected to furnish reasons for acceptance or rejection. Non-speaking orders can never be approved nor be encouraged. A person who is submitting an appeal must know what is the reason for rejection of his claim or allowing of his claim. This being the principles to be followed, the impugned order does not contain any reason for rejection of the petition filed by the writ petitioner. Thus, the matter is to be remanded back for reconsideration.

3. Accordingly, the impugned order passed by the first respondent in proceeding memo No.29708/எல்10/எஸ்எம்/அவிபோக/2014, dated 11.11.2014, is quashed and the first respondent is directed to reconsider the issues raised in the petition by the petitioner and pass a speaking order by furnishing reasons within a period of twelve weeks from the date of receipt of a copy of this order.

4. The writ petitioner is at liberty to submit additional documents or representation to the first respondent in this regard along with the copy of this order. Writ Petition stands allowed. No costs.

Sd/-

Assistant Registrar (CSII)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

pkn

To

1.The General Manager,
State Express Transport Corporation
(Tamil Nadu) Ltd,
Pallavan Salai, Chennai - 02.

2.The Managing Director,
State Express Transport Corporation
(Tamil Nadu) Ltd,
Pallavan Salai, Chennai - 600 002.



3. The Secretary,
Government of Tamil Nadu,
Transport Department,
Fort St.George, Chennai - 600 002.

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+1 CC to M/s.K.SATHIYA SINGH, Advocate (SR-22886[F] dated
26/11/2020)

W.P. (MD) No.3153 of 2015
24.11.2020

SGS (CO)
KB (03.12.2020) 3P 5C