



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.01.2020

CORAM :

THE HONOURABLE **MR. JUSTICE M.S.RAMESH**

W.P. (MD) No.26673 of 2019

and

W.M.P (MD) .Nos.22997 ad 22998 of 2019

P.Tamilarasan

... Petitioner

vs.

1.The Tamil Nadu State Transport Corporation (Kumbakonam) Ltd., rep., by its Managing Director, Kumbakonam.

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

3.The Branch Manager, The Tamil Nadu State Transport Corporation (Kumbakonam) Ltd., Thiruvaiyaru Branch, Thanjavur District.

4.The Assistant Manager (Personnel), The Tamil Nadu State Transport Corporation (Kumbakonam) Ltd., Thiruvaiyaru Branch, Thanjavur District. ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Declaration, to declare the action of the respondents in denying employment to the petitioner in the post of Driver as illegal and arbitrary and unconstitutional and consequently to direct the respondents to restore/reinstate him in service in the post of Driver with continuity of service, back wages and all other attendant benefits payable from 27.11.2019 the date of disengagement to till the date of providing duty.

For Petitioner : Mr.A.Rahul
For Respondents : Mr.P.Balasubramanian
Standing Counsel



O R D E R

The petitioner herein is the permanent Driver in the respondent Corporation. He has sought for leave on medical ground for the period between 24.09.2019 to 26.11.2019. When he reported on 27.11.2019, he was not assigned with any duty and therefore, he had filed the present writ petition to declare the action of the respondents in denying employment as illegal.

2.Today, when the matter was called, the learned Standing Counsel appearing for the respondents would submit that the petitioner has been assigned with duty with effect from 02.01.2020 and the petitioner herein is also now carrying out the duty assigned to him. As such, the main grievance of the petitioner that he has not been assigned with any duty after he had reported for duty on 27.11.2019 has been considered.

3.The learned counsel appearing for the petitioner would submit that though the petitioner reported for duty on 27.11.2019, he had been assigned with duty only on 02.01.2020 and therefore, he would be entitled for a monetary benefits for the relevant periods.

4.In my view, the respondent Corporation would be the appropriate authority to consider such a request, since this is based on certain factual aspects as to whether the petitioner had sought for allotment of duty on 27.11.2019, as well as the reason for not assigning him the duty between 27.11.2019 to 02.01.2020. In this connection, the petitioner is granted liberty to make an appropriate representation ventilating his grievances before the second respondent herein. On receipt of the same, the second respondent shall consider the same on its own merits and in accordance with law within a period of four weeks there from.

5.With the above observations, the Writ Petition is disposed of . No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

rmk

+1 CC to M/s.A.RAHUL, Advocate (SR-2093[F])

+1 CC to M/s.P.BALASUBRAMANIAN, Advocate (SR-2009[F])

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