

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.02.2021

CORAM :

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.2724 of 2021

V.Gajapathy

... Petitioner

Vs.

1. The General Manager/Administration,
State Express Transport Corporation,
'Thiruvalluvar Illam', Pallavan Salai,
Chennai 600 002.
2. The Managing Director,
State Express Transport Corporation,
'Thiruvalluvar Illam', Pallavan Salai,
Chennai 600 002.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Certiorarified Mandamus, calling for the records of the 1st Respondent in connection with the impugned order passed by him in Order No.122/04947/TL5/SETC/2007, dated 19.08.2008 and confirmed by the 2nd Respondent in Letter No.347868/TL5/S.E.T.C./2020, dated 11.11.2020 and quash the same and direct the Respondents to reinstate the Petitioner into service and grant him all retirement and pensionary benefits within a reasonable time.

For Petitioner : Mr.K.Venkataramani, Senior Counsel
for Mr.M.Muthappan

For Respondents: M/s.A.Sundaravadanam,
C.S.K.Sathish & D.Raghu

O R D E R

Petitioner has come up with this Writ Petition seeking to quash the impugned order dated 19.08.2008 passed by the 1st Respondent vide order No.122/04947/TL5/SETC/2007, and confirmed

by the 2nd Respondent in Letter No.347868/TL5/S.E.T.C./2020, dated 11.11.2020 and for a direction to the Respondents to reinstate him into service and grant him all retirement and pensionary benefits.

2. According to the Petitioner, he entered the service of the Respondent/Transport Corporation as a Conductor vide proceedings of the General Manager in his Order No.51798/TTC/A3/88, dated 19.11.1988 and his services were regularized w.e.f. 01.11.1989. It is his case that, due to ill health, he could not continue as a Conductor in the Respondent/Transport Corporation. As the Petitioner was absent from duty from 06.08.2006, he was issued with a Charge Memo and later, vide order dated 19.08.2008 passed by the 1st Respondent, he was imposed with the punishment of removal from service. Against the said order, the Petitioner preferred an Appeal dated 07.12.2019, requesting modification of the punishment imposed on him.

3. Thereafter, the Petitioner approached this Court in W.P.No.4652 of 2020 seeking a direction to the Respondent therein to consider and pass orders on his Appeal dated 07.12.2019, and for modifying the punishment and grant him all retirement and pensionary benefits. This Court, by an order dated 27.02.2020, disposed of the said Writ Petition, by directing the Respondent therein to dispose of the Petitioner's Appeal strictly in accordance with law within a period of six weeks from the date of receipt of a copy of the order. Pursuant thereto, the 2nd Respondent passed the impugned order dated 11.11.2020, confirming the punishment imposed on the Petitioner by the 1st Respondent vide order dated 19.08.2008. Hence, challenging the same, the Petitioner is before this Court.

4. Heard the learned counsel on either side and perused the material documents available on record.

5. It is not in dispute that, the Petitioner was absent from duty for more than a decade and he has approached this Court after 11 years. Whether the Petitioner's divesting off from the service is on his own accord or on the act of the Management and whether there is violation of principles of natural justice in following the procedures, etc. needs to be adjudicated before the appropriate Labour forum. In fact, in the order impugned in this Writ Petition, the Authority has rightly pointed out the fact that, the Petitioner has not approached the Labour Authorities and the Petitioner's averment that, he has made a representation to the Authorities in 2009 and 2015, is not true. This Court is of the view that, the Petitioner's claim is not supported by any documentary evidence. That being the case, the Petitioner will not be entitled to any

relief in this Writ Petition.

Accordingly, the Writ Petition fails and stands dismissed.
No costs. Consequently, connected W.M.P.No.3057 of 2021 is closed.

Sd/-
Assistant Registrar(CS-V)

//True Copy//

Sub Assistant Registrar

(aeb)

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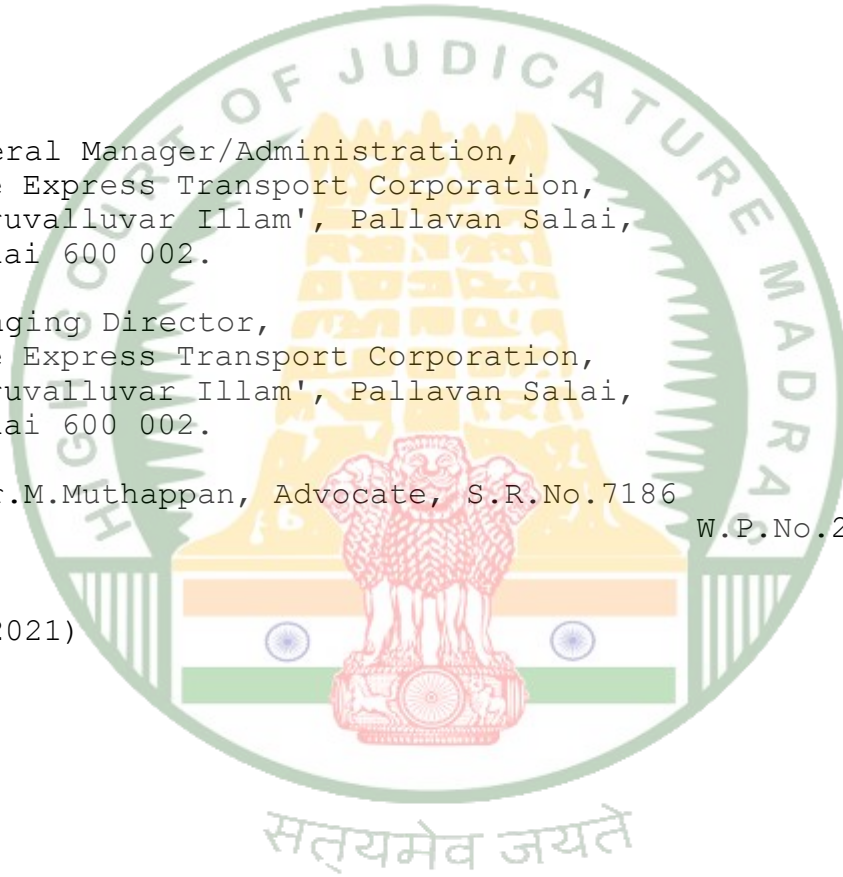
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+1cc to Mr.M.Muthappan, Advocate, S.R.No.7186

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UM(CO)
CB(12/07/2021)



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