

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date : 25.02.2021

CORAM:

THE HON'BLE MR. JUSTICE R.SURESH KUMAR

W.P.No.1747 of 2012

P.Selvaraj

... Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Transport
Corporation (Salem) Ltd., Salem.

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

... Respondents

Prayer: Petition filed under Article 226 of Constitution of India praying for issuance of a Writ of Mandamus directing the first respondent to dispose of the appeal dated 11.07.2011 of the petitioner within a time frame, filed against the order of punishment passed by the second respondent in Pro.No.186/3490/D5/TNSTC/9 dated 02.06.2010.

For Petitioner

: No appearance

For Respondents

: Mr.D.Raghu
Standing Counsel

ORDER

The prayer sought for herein is to issue a writ of mandamus directing the first respondent to dispose of the appeal dated 11.07.2011 of the petitioner within a time frame, filed against the order of punishment passed by the second respondent in Pro.No.186/3490/D5/TNSTC/9 dated 02.06.2010.

2.The petitioner was working as a driver in the respondent Corporation. While so, the bus driving by him met with an accident on 03.06.2009, pursuant to which, a disciplinary proceedings was initiated against him, which ended in a punishment on 02.06.2010 by orders of the respondents i.e., the second respondent, who was the Disciplinary Authority, as against which, the petitioner preferred appeal to the first respondent/Appellate Authority on 11.07.2011 and the said appeal, according to the petitioner, since has not been considered and disposed, he has filed this writ petition with the aforesaid prayer.

3.When the case is called, there is no representation for the petitioner.

However, Mr.D.Raghu, learned Standing Counsel appearing for the respondents, on instruction, would submit that, according to the instructions of the first respondent, no such appeal has been pending with the first respondent office.

4.Be that as it may, since it was claimed by the petitioner that, appeal has been preferred against the order of punishment awarded against him as early as on 11.07.2011 and pursuant to which only, as the same, according to the petitioner was not considered, he has filed this writ petition. Hence, this Court feels that, a direction can be given to the first respondent to decide the appeal dated 11.07.2011 and in this regard, enabling the first respondent to decide the appeal, a copy of the said appeal dated 11.07.2011 also can be directed to be sent along with copy of this order, by the petitioner.

5.In that view of the matter, there shall be a direction to the petitioner to forward the copy of this order along with the copy of the appeal dated 11.07.2011 of the petitioner submitted to the first respondent within a

period of two weeks from the date of receipt of a copy of this order and on receipt of the same, the first respondent shall consider the said appeal and pass necessary orders thereon on merits and in accordance with law within a period of four weeks thereafter.

6. With these directions, this Writ Petition is disposed of. No costs.

25.02.2021

Sgl

To

1. The Managing Director,
Tamil Nadu State Transport
Corporation (Salem) Ltd.,
Salem.

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

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R.SURESH KUMAR, J.

Sgl



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