



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.06.2021

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THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P(MD)No.9708 of 2021

J.Jeyaguru

... Petitioner

Vs.

1.The Secretary to the Government,
Home (Tr-V Department)
Secretariat,
Chennai-600 009.

2.The Principal Secretary/
The Transport Commissioner,
Secretariat,
Chepauk,
Chennai.

3.The Regional Transport Officer,
Theni District,
Theni.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the first respondent to regularize the suspension period of the petitioner from 10.01.2007 to 21.10.2008 as per the report of the 2nd respondent in Letter No.24641/R4/2013 dated 10.08.2017 by implementing the same and also consequently, direct the 1st respondent to disburse the monetary benefits payable to the petitioner accordingly forthwith.

For Petitioner

: Mr.T.Antony Arulraj

For Respondents

: Mr.P.Thillak Kumar,

Standing Counsel for Government

ORDER

Mr.P.Thilak Kumar, learned Standing Counsel for the Government, accepts notice on behalf of the respondents.

2. By consent, the Writ Petition is taken up for final disposal at the admission stage itself.

3. This writ petition has been filed by the petitioner seeking for issuance of a Writ of Mandamus, directing the first respondent to regularize the suspension period of the petitioner from 10.01.2007 to 21.10.2008, as per the report of the second respondent in Letter No.24641/R4/2013, dated 10.08.2017, by implementing the same and also consequently, to direct the first respondent to disburse the monetary benefits payable to the



petitioner.

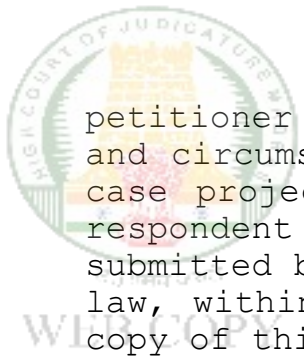
4. The case of the petitioner is that he was appointed as Driver in the Regional Transport Office, in the year 1985. While the petitioner was working in Nagercoil Office, an accident took place on 10.10.2007, for which, a case has been registered against him in Crime No.4 of 2007 for the offences under Sections 279 and 338 IPC. In view of the registration of the criminal case, the petitioner was suspended from service, on 10.01.2007 and he has also received a charge memo, on 08.02.2007. Thereafter, the suspension order was revoked, on 23.01.2008 and subsequently, the petitioner's license was cancelled for a period of six months. The petitioner was not reinstated in service, even after passing an order of revocation of the suspension. Thereafter, on 16.10.2008 the petitioner was reinstated in service and posted at Tirunelveli Region. While so, based on the issuance of charge memo, departmental proceedings were conducted and final order has been passed, on 23.01.2008 by withholding increment for a period of six months without cumulative effect and further directing to regularize the suspension period, based on the availability of the petitioner's leave period. In such circumstances, the petitioner ended an acquittal on 27.03.2017 in the criminal case, by the learned Judicial Magistrate No.111, Nagercoil.

5. In the meanwhile, the petitioner has reached the age of superannuation, on 28.02.2011. Though the suspension period and the waiting period was regularized, the same was not implemented and the benefits were not given. The first respondent is the competent authority to regularize the suspension period and also to revise the monetary benefits. Therefore, the first respondent issued proceedings, dated 23.06.2015 to the second respondent calling for the details of the said issue. Pursuant to which, the second respondent called for the remarks from the Deputy Transport Commissioner, Tirunelveli and submitted his report, dated 10.08.2017. The first respondent has also accepted the report of the second respondent. So far no order has been passed by the first respondent. Hence, the present writ petition is filed.

6. The learned counsel for the petitioner would state that already a proposal was forwarded by the second respondent to the first respondent and as of now, the said proposal is pending before the first respondent. Hence, the learned counsel for the petitioner prayed that it would be suffice if a direction is given to the first respondent to consider the proposal forwarded by the second respondent.

7. The learned standing counsel for the Government appearing for the respondents would state that the proposal submitted by the second respondent would be considered within a reasonable time.

8. Pending the submissions of the learned counsel for the



petitioner as well as the respondents and in the light of the facts and circumstances of the case, without going into the merits of the case projected by the petitioner in this Writ Petition, the first respondent is directed to pass suitable orders on the proposal submitted by the second respondent, on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order .

9. With the above direction, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:

1.The Secretary to the Government,
Home (Tr-V Department)
Secretariat,
Chennai-600 009.

2.The Principal Secretary/
The Transport Commissioner,
Secretariat,
Chepauk,
Chennai.

3.The Regional Transport Officer,
Theni District,
Theni.

+1 CC to M/s.SPL GP (SR-18824[F] dated 04/06/2021)

+1 CC to M/s.T.ANTONY ARUL RAJ, Advocate (SR-18786[F] dated 04/06/2021)

W.P(MD)No.9708 of 2021
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