



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.06.2021

CORAM

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P(MD)No.9752 of 2021

Ravichandran

... Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Transport Corporation(Madurai) Ltd.,
Bye Pass Road,
Madurai.

2.The General Manager,
Tamil Nadu State Transport Corporation (Madurai) Ltd.,
Bye Pass Road,
Dindigul Region,
Dindigul.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the 1st respondent herein to dispose of the petitioner's appeal dated 10.10.2017 preferred against the order of punishment of stoppage of increment for a period of three months without cumulative effect issued by the 2nd respondent in Ref.No.LD2P1/879, dated 29.06.2017 within a stipulated time as fixed by this Court.

For Petitioners : Mr.J.Lawrance

For Respondents : Mr.J.Senthil Kumariah

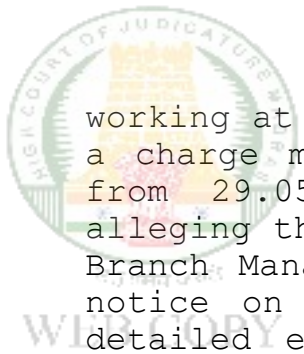
ORDER

Mr.J.Senthil Kumariah, 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 dispose of the petitioner's appeal, dated 10.10.2017 preferred against the order of punishment of stoppage of increment for a period of three months without cumulative effect issued by the second respondent in Ref.No.LD2P1/879, dated 29.06.2017.

4.The case of the petitioner is that he joined as a Clerk in the respondent Corporation, during the year 1987 and subsequently, he was promoted as an Assistant and as of now, he is working as a Special Grade Assistant. While the petitioner was



working at Palani Branch in the Computer Section, he was served with a charge memo dated 05.07.2016, on the ground that he was absent from 29.05.2016, without obtaining any permission and further alleging that he has not submitted any leave application to the then Branch Manager. For which, the petitioner has also served enquiry notice on 16.08.2016. Thereafter, the petitioner has submitted a detailed explanation denying the aforesaid charges. Further, the petitioner was directed to discharge night duties. While so, the petitioner has decided to go for his eye surgery, he has requested the Branch Manager to allot day works for some days. But, the Branch Manager and the Superintendent, Palani, directed the petitioner to approach the Deputy Manager, Commercial, for redressal of his grievance. Thereafter, the petitioner has submitted a leave application to the Branch Manager, for a period of ten days from 30.05.2016. Pursuant to the issuance of the enquiry notice, the petitioner appeared before the enquiry and submitted his explanation. Based on the report of the enquiry officer, the second respondent has imposed the punishment of stoppage of increment for a period of three months without cumulative effect, on 29.06.2017. Aggrieved over the same, the petitioner has filed an appeal before the first respondent on 10.10.2017 to set aside the order of the second respondent. So far no order was passed till date. Hence, the present writ petition is filed.

5. The learned counsel appearing for the petitioner would state that it would be suffice if a direction is given to the first respondent to dispose the petitioner's appeal dated 10.10.2017.

6. The learned standing counsel for the Government would state that the petitioner's appeal would be disposed of within a time frame.

7. Considering the submissions of the learned counsel for the petitioner as well as the counsel for 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 consider the appeal filed by the petitioner dated 10.10.2017 and pass appropriate orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

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

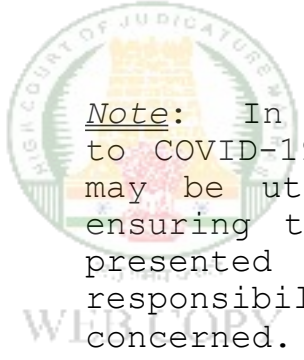
Sd/-

Assistant Registrar (ADII)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



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 Managing Director,
Tamil Nadu State Transport Corporation(Madurai) Ltd.,
Bye Pass Road,
Madurai.
- 2.The General Manager,
Tamil Nadu State Transport Corporation (Madurai) Ltd.,
Bye Pass Road,
Dindigul Region,
Dindigul.

+1 CC to M/s.J.LAWRANCE, Advocate (SR-18852[F] dated 07/06/2021)

W.P(MD)No.9752 of 2021
04.06.2021

KB(16.06.2021) 3P 4C