



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.08.2021

CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P(MD)No.13677 of 2021

WEB COPY

M.Murugan

... Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Transport Corporation,[Tirunelveli]
Vannarpettai,
Tirunelveli - 627 003.

2.The General Manager,
Tamil Nadu State Transport Corporation,[Tirunelveli]
Vannarpettai,
Tirunelveli - 627 003.

3.The Branch Manager,
Tamil Nadu State Transport Corporation,[Tirunelveli]
Thoothukudi City Branch,
Thoothukudi - 628 008

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents herein to reinstate the petitioner as Conductor (Service Regn. No.11295) in the respondent Transport Corporation by considering the petitioner's representation dated 25.06.2021.

For Petitioner : M/S.Anandan.B

For Respondents : Mr.R.Rajamohan,
Standing Counsel.

ORDER

This Writ Petition has been filed seeking for issuance of a Writ of Mandamus directing the respondents herein to reinstate the petitioner as Conductor (Service Regn. No.11295) in the respondent Transport Corporation by considering the petitioner's representation dated 25.06.2021.

2. Heard the learned counsel appearing for the petitioner and the learned Standing Counsel appearing for the respondents.

3. By consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.

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4. According to the petitioner, he was working as Conductor in the 3rd respondent Transport Corporation and he was involved in a criminal case since his wife was alleged to have committed suicide. Consequently, he was placed under suspension and later, after getting bail from this Court, he was reinstated on 10.10.2014. The criminal case against the petitioner was ended in conviction and he was sentenced to undergo 10 years rigorous imprisonment and on the date of judgment, he was remanded to judicial custody, which made him unable to report to duty. Against the judgment of conviction, the petitioner preferred an appeal before this Court and also sought for suspension of sentence. This Court vide order dated 24.07.2020, suspended the sentence, pursuant to which, he was released and when he reported to duty, he came to know that on 02.03.2020 he was placed under suspension in view of initiation of disciplinary proceedings for his unauthorized absence. The petitioner made a detailed explanation for the charges levelled against him on 8.10.2020. The grievance of the petitioner is that after initiation of disciplinary proceedings, there was no progress and the petitioner was not reinstated and no subsistence allowance was being paid to him. In such circumstances, the petitioner made a detailed representation on 25.06.2021, but there was no response. Hence, the writ petition.

5. When the Writ Petition is taken up for hearing, the learned Standing Counsel appearing for the respondents would submit that the respondents have taken initiative to proceed with the disciplinary proceedings for unauthorized absence of the petitioner and the same would be concluded at the earliest.

6. Recording the above statement made by the learned Standing Counsel, the Writ Petition is disposed of, directing the respondents to consider the representation of the petitioner dated 25.06.2021 on merits and pass appropriate orders therein, in accordance with law within a period of 6 weeks from the date of a receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

dn

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



To:

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+1 CC to M/s.R.RAJAMOHAN, Advocate (SR-27324[F] dated 25/08/2021)

W.P (MD) No.13677 of 2021
25.08.2021

RK (09.09.2021) 3P 5C