



WEB COPY

In the High Court of Judicature at Madras

Dated: 28.01.2022

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THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P.No.1088 of 2022

C.Sugumaran

.... Petitioner

Vs.

The Managing Director,
Metropolitan Transport Corporation,
Pallavan House, Chennai - 600 002.

.... Respondent

PETITION filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the respondent to consider the petitioner's representation dated 04.10.2021 and thereby direct the respondent to give salary to the petitioner for the period of March, 2014 to September, 2014.

For Petitioner : Mr. N.Palanisamy

For Respondent : Mr.K.Moorthy
Standing Counsel

O R D E R

The case of the petitioner is that he was working as Driver in the respondent Corporation. On 23.02.2014 while driving the Metropolitan Transport Corporation bus bearing registration No.TN 01 N 8290, he was involved in an accident and a case was registered under Section 279 and 338 of I.P.C. on the file of T12 Poonamallee Traffic Investigation Wing.

2. According to the petitioner, the Investigation Wing had forcibly seized his licence and impounded the same. Thereafter, he was not provided with any work for a period of six months from April, 2014 to September, 2014. Thereafter, a charge sheet was filed in C.C.No.345 of 2014 on the file of the Judicial Magistrate, Ambattur. Finally, the petitioner was acquitted in the criminal case vide judgment dated 28.03.2017.

3. According to the petitioner, he had approached the respondent Corporation for payment of salary for the period April, 2014 to September, 2014 and the same having not been considered, he is before this Court with a prayer for issuance



of Writ of Mandamus.

4. Apart from the above facts, nothing has been stated in specific terms as to why he was not allowed to perform duty between April, 2014 to September, 2014. There is also no explanation at all in the entire affidavit why the petitioner is approaching this Court in 2022 after a lapse of 8 years. Even giving the benefit of doubt that he was waiting for the outcome of the criminal case initiated against him, the criminal case ended in acquittal as early as on 28.03.2017. Even thereafter, nearly 5 years have gone by, the affidavit also does not disclose as to how he is entitled to the payments in the first place.

5. This Court is unable to countenance the case of the petitioner, both on merits and also on the ground that the claim is extremely stale and hopelessly time barred.

6. For the above stated reasons, this Writ Petition stands dismissed. No costs.

Sd/-

Assistant Registrar(CS-IX)

//True copy//

Sub Assistant Registrar

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To

The Managing Director,
Metropolitan Transport Corporation,
Pallavan House, Chennai - 600 002.

+1cc to Mr.N.Palanisamy, Advocate SR.No.5306

W.P.No.1088 of 2022

RP(CO)
GMY(16/02/2022)