



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 07.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.8607 of 2022

P.Nagaraj,
S/o.Pachai,

...Petitioner

Vs

1.The Managing Director,
Tamil Nadu State Transport Corporation
No.12, Ramakrishna Salai,
Salem - 636 007.

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

3.The Enquiry Officer,
Tamil Nadu State Transport Corporation (Salem) Ltd
Dharmapuri Division, Bhartipuram
Dharmapuri District - 636 705.

...Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Mandamus directing the 1st respondent to dispose the appeal dated 07.09.2021 by giving opportunity to this petitioner within a time frame fixed by this Hon'ble Court.

For Petitioner : Mr.M.Selvam

For Respondents: Mr.A.Sundaravadhanam
Standing Counsel

ORDER

By consent of both the parties, this writ petition has been taken up for final disposal.

2. This writ petition has been filed seeking to issue a Writ of Mandamus directing the 1st respondent to dispose the appeal dated 07.09.2021 by giving opportunity to the petitioner, within a time frame as fixed by this Court.



3. The case of the petitioner in brief:

The petitioner is working as a Driver in the first respondent Corporation. On 11.06.2019, at 7.30 p.m. the petitioner had driven the bus from Denkanikottai to Dharmapuri and while crossing Nellur, a person namely Muniraj drove his two wheeler in a rash and negligent manner and dashed against the bus, due to which accident took place and subsequently, he died. In view of the accident, First Information Report registered against the petitioner and after conducting investigation, the investigating officer filed report by closing the First Information Report, as the charges abated, since the accident was happened due to rash and negligent driving of the deceased Muniraj. The petitioner gave his explanation on 31.07.2020. However, without satisfying the said explanation, the third respondent conducted domestic enquiry and filed report stating that the charges levelled against the petitioner is proved. Based on the report, the second respondent passed order stopping two increments, vide order dated 18.02.2021. The petitioner filed Appeal on 07.09.2021 before the first respondent and it was not considered by them till date. Hence this writ petition.

4. The learned standing counsel appearing for the respondents submitted that the Appeal filed by the petitioner will be disposed of on its own merits, by the authorities concerned, within a time frame as fixed by this court.

5. In view of the above submission and considering the limited scope of prayer and to meet the ends of justice, without expressing any opinion on merits, the following order is passed.

i) The first respondent is directed to dispose the appeal filed by the petitioner, on its own merits and in accordance with law, as early as possible, within a period of eight weeks from the date of receipt of a copy of this court.

ii) The petitioner is directed to give the copy of the Appeal, enclosing the orders passed by this court before the first respondent.

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

Sd/-

Assistant Registrar(CS-VIII)

//True copy//

Sub Assistant Registrar

mst



To

1.The Managing Director,
Tamil Nadu State Transport Corporation
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Salem - 636 007.

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Dharmapuri District.

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Dharmapuri Division, Bhartipuram
Dharmapuri District - 636 705.

+1cc to Mr.Mr.M.Selvam, Advocate SR.No.23992

+1cc to Mr.A.Sundaravadhanam, Advocate SR.No.24020

W.P.No.8607 of 2022

SS (CO)
GMY (27/04/2022)