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W.P.No.28816 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:01.11.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

**W.P.No.28816 of 2022 &
W.M.P.No.28102 of 2022**

M.Panneerselvam

... Petitioner

VS.

The General Manager,
O/o. The General Manager,
Tamil Nadu State Transport Corporation Villupuram,
Tiruvannamalai Region,
Tiruvannamalai

... Respondent

Prayer: Writ petition filed under Article 226 of the Constitution of India for writ of Certiorari Mandamus calling for records on the file of the respondent in proceedings Ka.Ku.No.26/32526/T3/TNSTC(Villupuram)/T.Malai/2013 dated 05.10.2022 quash the same and direct the Respondent to reinstate the petitioner with effect from 05.10.2022 and to grant him all consequential benefits.

For Petitioner : Mr.M.Ravi

For Respondent : Mr.M.Aswin,
for Mr.R.Venkatesaperumal



ORDER

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The petitioner has challenged the impugned suspension order on the ground that even though the respondent had earlier revoked the suspension order issued against him, without assigning any reason, the respondent has passed the impugned suspension order dated 05.10.2022.

2. Mr.M.Aswin, learned counsel representing Mr.R.Venkatesaperumal, learned Standing Counsel accepts notice on behalf of the respondent.

3. The petitioner relies upon G.O.Ms.No.81, Human Resources Management (N) Department, dated 04.08.2022 to substantiate his claim.

4. Heard Mr.M.Ravi, learned counsel for the petitioner and Mr.M.Aswin, learned counsel representing Mr.R.Venkatesaperumal learned Standing Counsel appearing for the respondent.

5. The learned counsel for the petitioner would further reiterate that



for the same set of charges and for no reason, the petitioner has been suspended from service once again. Learned counsel for the petitioner on instructions would now submit that the petitioner is willing to submit a representation to the respondent for consideration of the petitioner's case in the light of G.O.Ms.No.81, Human Resources Management (N) Department, dated 04.08.2022 referred to supra.

6. No prejudice would be caused to the respondent, if the petitioner is allowed to give a representation as stated supra and a direction is issued to them to consider the same on merits and in accordance with law, taking note of the fact that no reasons have been given for suspending the petitioner once again under the impugned order dated 05.10.2022, despite the fact that he was earlier suspended from service which was subsequently revoked.

7. For the foregoing reasons, this Court directs the petitioner to submit a fresh representation to the respondent seeking for revocation of his suspension order dated 05.10.2022 in the light of G.O.Ms.No.81, Human Resources Management (N) Department, dated 04.08.2022 and requesting them to take note of the fact that he was earlier suspended for the same set



of charges and the said suspension was also revoked and he has been once again suspended under the impugned order dated 05.10.2022 which according to the petitioner, is not in accordance with law and not in accordance with G.O.Ms.No.81, Human Resources Management (N) Department, dated 04.08.2022 within a period of one week from the date of receipt of a copy of this Order. On receipt of the same, the respondent Transport Corporation shall pass final orders on merits and in accordance with law after giving due consideration to the contentions of the petitioner within a period of four weeks thereafter.

8. With the aforesaid directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

01.11.2022

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Index:Yes/No

Speaking/Non-speaking orders



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To

The General Manager,
Tamil Nadu State Transport Corporation Villupuram,
Tiruvannamalai Region,
Tiruvannamalai

W.P.No.28816 of 2





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W.P.No.28816 of 2



ABDUL QUDDHOSE, J.
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W.P.No.28816 of 2022

01.11.2022