



WEB COPY

W.P.No.6887 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.12.2023

CORAM

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.No.6887 of 2012

1. S.Ravi
2. M.T.Vellaiyan
3. K.Ramamurthy

... Petitioners

Vs.

1. Puducherry Road Transport Corporation Limited,
Rep. by its Managing Director,
Raja Nagar,
Puducherry.
2. The General Manager,
Puducherry Road Transport Corporation Limited,
Raja Nagar,
Puducherry.

3. R.Kumar

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records on the file of the first respondent relating to the impugned order bearing No.176/PT & TDC/ADMN/93/457 dated 01.06.1993 and No.195/PT & TDC/ADMN/2004/207 dated 13.06.2005 and quash the same and consequently direct the respondents 1 and 2 conduct selection to the post of Checking Inspector,



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Senior Checking Inspector, Superintendent (Traffic) in accordance with law.

For Petitioner : Mr.T.Saikrishnan

For R1 : Mr. A.R.Nixon

For R3 : Mr.Sasindran

ORDER

This Writ Petition is filed seeking a Writ of Mandamus to call for the records relating to the impugned order bearing No.176/PT & TDC/ADMN/93/457 dated 01.06.1993 and another proceedings bearing No. 195/PT & TDC/ADMN/2004/207 dated 13.06.2005 and to quash the same and sought for a consequential direction to respondents 1 and 2 to conduct selection to the post of Checking Inspector, Senior Checking Inspector and Superintendent (Traffic) in accordance with law.

2. Though this Writ Petition is of the year 2012 and notice was serviced, none of the respondents have filed counter-affidavit.

3. When the matter is taken up for consideration for final disposal, it is brought to the notice of this Court by the learned counsel for the petitioners



that the impugned proceedings bearing No. 195/PT & TDC/ADMN/2004/207 dated 13.06.2005 was already cancelled by the respondents 1 and 2 through Proceedings No. 248/PRTC/MD/2019/935 dated 04.12.2019. However, it is brought to the notice of this Court by the learned counsel for the respondents 1 and 2 that the said proceedings dated 04.12.2019 was challenged by the third respondent herein in W.P.No.34479 of 2019 and the said Writ Petition was allowed by an order dated 12.12.2019 on the ground of violation of principles of natural justice and the matter was remitted back to the respondents 1 and 2 for passing orders afresh after affording opportunity to the third respondent herein. Though there was a specific direction to complete the said exercise within a period of eight weeks from the date of receipt of a copy of the said order, the said enquiry is stated to be not completed so far.

4. From the above, it is evident that the respondents 1 and 2 themselves have realized that the impugned order dated 13.06.2005 in this Writ Petition is not in accordance with law and the same was cancelled. But the said proceedings dated 04.12.2019 was set aside by this Court on the ground of violation of principles of natural justice and the matter is under



examination before the respondents 1 and 2 as on date.

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5. None of the averments made in the affidavit filed in support of the Writ Petition are contradicted by any of the respondents, thereby leaving no option for this Court except to take the averments made in the affidavit filed in support of the Writ Petition as true and proceed further. If that be the case, this Writ Petition has to be allowed as prayed for and the impugned order is liable to be set aside.

6. However, taking into consideration the fact that the validity or otherwise of the proceedings dated 13.06.2005 is under examination before the respondents 1 and 2 and also in view of the undertaking given by the learned counsel for the respondents 1 and 2 that the proceedings on remand pursuant to the order passed by this Court in W.P.No.34479 of 2019 dated 12.12.2019 would be completed within a time frame to be fixed by this Court, this Court, for the being, is not inclined to set aside the said proceedings dated 13.06.2005, though, the said proceedings cannot be allowed to stand, as there is no contest in the present Writ Petition.



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7. In such circumstances, the impugned proceedings dated 13.06.2005 shall stand suspended pending finalization of the enquiry on remand pursuant to the order passed by this Court in W.P.No.34479 of 2019 dated 12.12.2019, and the respondents 1 and 2 are directed to conclude the enquiry on remand within a period of eight weeks from the date of receipt of a copy of this order by duly affording an opportunity to the petitioners herein as well as to the third respondent.

8. It is made clear that any lenience or negligence on the part of the respondents 1 and 2 in complying with this order will be viewed seriously, as they have already committed contempt of Court by violating the time frame fixed by this Court in W.P.No.34479 of 2019 dated 12.12.2019.

9. Accordingly, this Writ Petition is disposed of. There shall be no order as to costs. Miscellaneous Petitions, if any, shall stand closed.

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Index : Yes / No

Speaking order / Non-speaking order

Neutral Citation : Yes / No



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MUMMINENI SUDHEER KUMAR, J.

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