



W.P.No.26869 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.09.2023

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.26869 of 2023

K.Rajendran

... Petitioner

Vs

The General manager,
Tamilnadu State Transport Corporation [Salem] Limited,
Dharmapuri Zone, Dharmapuri – 5. ... Respondent

Prayer:- Writ Petition filed, under the Article 226 of Constitution of India, to issue a Writ of Mandamus directing the respondent to reinstate the petitioner in to service as Driver based on the certified transfer certificate issued by the Headmaster of Government Boys Higher Secondary school Shoolagiri Krishnagiri District pursuant to the Order of this Court order dated 25.10.2017 in W.A. No. 1004 of 2015 with all service and monetary benefits including terminal benefits.

For petitioner : Mr.A.R.Suresh
for K.Arumugam



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For Respondent : Mr.K.Raja

ORDER

This Writ Petition has been filed to direct the respondent to reinstate the petitioner in to service as Driver based on the certified transfer certificate issued by the Headmaster of Government Boys Higher Secondary school Shoolagiri, Krishnagiri District pursuant to the Order of this Court dated 25.10.2017 in W.A. No. 1004 of 2015 with all service and monetary benefits including terminal benefits.

2. It is the case of the writ petitioner that he was originally appointed as a driver in the year 1991 and after 21 years of his service, he was served with a charge memo as if the petitioner has produced false transfer certificate and he was dismissed from service. The said Order of dismissal has been challenged before this Court in W.P.No.18534 of 2015 and the same has been dismissed. As against which, an appeal has been filed before this Court in W.A.No.1004 of 2015 wherein the



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Division Bench of this Court has passed the following Order :

9. Thus, having considered the fact that the petitioner has put in 21 years of service as on the date of issuance of charge memo and he has not committed any mistake during the course of such employment except the alleged production of the bogus school certificate and taking note of the nature of the allegation raised against him, we are of the view that the order dismissing the petitioner from service appears to be too harsh. Hence, in order to provide an opportunity to the petitioner, the respondent Corporation shall re-examine the issue on the basis of the original transfer certificate to be produced by the petitioner.

10. Accordingly, the petitioner is directed to approach the respondents with the original transfer certificate and on such approach, the respondents shall verify the same with the school authority. If it is genuine, the respondents shall reinstate the petitioner in service with all benefits, however, without backwages for the period, during which, he was not working i.e., from the date of dismissal till the date of



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reinstatement, on the principle of 'no work no pay'. The entire exercise shall be completed within a period of three months from the date of receipt of a copy of this order. It is made clear that if the transfer certificate is found to be not genuine, it is open to the respondents to proceed further in accordance with law. 11.The Writ Appeal is disposed of as indicated above. No Costs. Consequently, connected Miscellaneous Petition is closed

Pursuant to the above Order, the petitioner has produced the Transfer Certificate verified and certified by the Headmaster. However, no action has been taken by the respondents. Hence, seeking direction to the respondents, the present Writ Petition has been filed.

3. Since the Division Bench of this Court has already directed the respondents to verify the Transfer Certificate and if it is genuine, the petitioner is entitled to be reinstated. The respondent shall verify the Transfer Certificate with the school authorities and take a decision whether it is a genuine or not on the basis of the records maintained in



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the school and pass Orders within a period of two months from the date of receipt of a copy of this Order.

4. With the above directions, this Writ Petition is disposed of. No costs.

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Index:Yes/No

Neutral Citation : Yes/No

vrc

To,

The General manager,
Tamilnadu State Transport Corporation [Salem] Limited,
Dharmapuri Zone, Dharmapuri – 5.



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N.SATHISH KUMAR, J.

VTC

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