



WEB COPY



W.P. No.35225 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.01.2023

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

W.P.No.35225 of 2022

P.Rajamani

.. Petitioner

VS

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

2. The General Manager
Tamil Nadu State Transport Corporation (Salem) Ltd.
12, Ramakrishna Salai
Salem - 636 007.

.. Respondents

Prayer : Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent to decide and dispose of the petitioner's appeal dated 08.10.2022 against the order of dismissal dated 14.09.2022 passed by the second respondent in his proceedings Pa.Mu.No.688-14215-D5-TNSTC (Salem) 2020-22 within the stipulated time limit after ascertaining his physical fitness to continue or not in the post of Conductor by subjecting / referring him to the Medical Board and after considering the Report / Opinion of the Medical Board.

For Petitioner : Ms.S.Girija

For Respondents : Mr.K.Raja
Standing Counsel



W.P. No.35225 of 2022

WEB COPY

ORDER

This writ petition has been filed for a Mandamus, seeking for a direction to the first respondent to decide and dispose of the petitioner's appeal dated 08.10.2022 against the order of dismissal dated 14.09.2022 passed by the second respondent within the stipulated time limit after ascertaining his physical fitness to continue or not in the post of Conductor by subjecting / referring him to the Medical Board and after considering the report / opinion of the Medical Board.

2. Mr.K.Raja, learned Standing Counsel accepts notice on behalf of the respondent. By consent of both the parties, this writ petition is taken up for final disposal in the admission stage itself.

3. The petitioner's grievance in this writ petition is that he was not referred to the Medical Board by the Disciplinary Authority, but, instead, the petitioner has been dismissed from service. Aggrieved by the order, dismissing him from service, the petitioner has preferred an appeal before the first respondent on 08.10.2022, which is still pending on the file of the first respondent.



W.P. No.35225 of 2022

WEB COPY

4. The petitioner's grievance is that, before disposing of the appeal, the first respondent should refer the petitioner to the Medical Board to assess his medical disability. The limited prayer, the petitioner seeks in this writ petition, is that a direction may be issued to the first respondent to dispose of the appeal filed by the petitioner within a time frame to be fixed by this Court and also direct the first respondent to refer the petitioner to the Medical Board to assess the petitioner's disability before passing final orders.

5. Heard Ms.S.Girija, learned counsel for the petitioner and Mr.K.Raja, learned Standing Counsel for the respondent.

6. No prejudice would be caused to the respondents if a direction is issued to the first respondent to dispose of the appeal dated 08.10.2022 filed by the petitioner, aggrieved by the order dated 14.09.2022, dismissing him from service, within a time frame to be fixed by this Court and in case, the first respondent deems it fit to refer the petitioner to Medical Board for assessing his medical disability, the first respondent, on the request made by the petitioner, shall do so accordingly



W.P. No.35225 of 2022

in the interest of justice.

WEB COPY

7. For the foregoing reasons, this writ petition is disposed of by directing the first respondent to pass final orders on the petitioner's appeal dated 08.10.2022, aggrieved by the order of dismissal dated 14.09.2022 passed by the second respondent, within a period of twelve weeks from the date of receipt of a copy of this order.

8. It is also made clear that the first respondent shall take into consideration the request made by the petitioner, on merits and in accordance with law, for referring him to the Medical Board for assessing his disability before deciding the appeal filed by the petitioner on merits.

There will be no order as to cost.

Index: Yes/No

03.01.2023

Internet: Yes/No

Speaking Order/Non-Speaking Order

Neutral Citation: Yes/No

drm/nl



W.P. No.35225 of 2022

To :

WEB COPY

1. The Managing Director
Tamil Nadu State Transport Corporation
12, Ramakrishna Salai
Salem - 636 007.
2. The General Manager
Tamil Nadu State Transport Corporation (Salem) Ltd.
12, Ramakrishna Salai
Salem - 636 007.



WEB COPY



W.P. No.35225 of 2022

ABDUL QUDDHOSE, J.

drm

W.P.No.35225 of 2022

03.01.2023