



W.A.(MD)No.1262 of 2013

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **24.08.2023**

CORAM:

THE HONOURABLE **DR.JUSTICE ANITA SUMANTH**
AND
THE HONOURABLE **MR.JUSTICE R.VIJAYAKUMAR**

W.A.(MD)No.1262 of 2013

G.Anbalagan

...Appellant

/Vs./

The Management of Tamilnadu

State Transport Corporation (Kumbakonm) Ltd.,

Trichy Region,

Rep. by its General Manager,

Trichy.

...Respondent

PRAYER:- Writ Appeal - filed under Clause XV of Letters Patent Act, to set aside the order passed in W.P.(MD)No.15512 of 2012 dated 22.10.2013 on the file of this Court.

For Appellant : Ms.Kavitha

for Mr.G.M.Xavier

For Respondent : Mr.L.Jeen Felix



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JUDGMENT

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(Judgment of the Court was made by **DR.ANITA SUMANTH, J.**)

The writ petitioner is the appellant in this appeal. A mandamus had been sought by the writ petitioner, a permanent driver with the Tamil Nadu State Transport Corporation, (Kumbakonm) Ltd., Trichy Region, for permitting him to join duty, providing him training, treating the period from 03.09.2012 to the date of allowing him to join duty as his duty period and paying him all benefits including wages.

2. The vehicle driven by the writ petitioner had been involved in an accident with a two wheeler resulting in the demise of the person travelling pillion in the two wheeler. A case had been registered on the file of the Kallakudi Police Station in Crime No.181 of 2012 under Sections 279, 337 and 304(A) of IPC as against the rider of the two wheeler.

3. The writ petitioner was suspended on 12.06.2012, which suspension came to be revoked on 12.07.2012. In the order of



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6. Before us, the narration of events as placed before the Writ Court and recorded in order dated 22.10.2013, is reiterated. Reliance is placed on the decision of this Court dated 31.10.2011 in WP(MD)No. 10778 of 2010 in *V. John Lawrenso vs. The Management of Tamil Nadu State Transport Corporation (Kumbakonam) Ltd., Rep. by its General Manager, Trichy Region, Trichy* in support of the prayer in the writ petition.

7. We find the facts of the matter in the case of *V. John Lawrenso* supra to be distinguishable from those in the present case. In that case, the bus driven by the writ petitioner had been involved in an accident. Though that petitioner had reported for duty, he had been denied employment. Thus it was not a case of absence from duty, as in the case of the writ petitioner before us.

8. In the present case, the fact that the writ petitioner had reported for duty only on 03.09.2012 and had not undergone stimulator



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training, is admitted. It is only at the instance of the Court, that the writ petitioner underwent the training at all.

9. Thus, we find that the case of *V.John Lawrenso* does not advance the case of the appellant. This Writ Appeal is thus dismissed with no order as to costs.

[A.S.M.J.] & [R.V.J.]
24.08.2023

NCC :Yes/No
Index :Yes/No
Internet :Yes
sm

TO:

1.The Special Deputy Commissioner of Labour,
O/o. Commissioner of Labour,
Chennai – 600 006.



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DR.ANITA SUMANTH, J.
AND
R.VIJAYAKUMAR, J.

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