



W.P.(MD)No.1818 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:31.01.2023

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.1818 of 2023

N.Murugan

... Petitioner

Vs.

1.The Secretary to Government,
Home Transport (II) Department,
Secretariat,
Chennai-600 009.

2.The Special Commissioner and Transport Commissioner,
O/o.The Special Commissioner and Transport Commissioner,
Chepauk,
Chennai-600 005.

3.The Deputy Transport Commissioner,
NGO B Colony,
Vasantha Nagar,
Tirunelveli-627 007.

4.The Regional Transport Officer,
Tenkasi,
Tenkasi District.

5.The Regional Transport Officer,
Marthandam,
Kanyakumari District.

... Respondents



W.P.(MD)No.1818 of 2023

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to disburse the salary of the petitioner for the period from 03.06.2008 to 23.08.2013 by treating the same as service period and consequently regularize the period from 14.10.2016 to 03.01.2017 on the basis of the representation dated 08.01.2022 within a stipulated time that may be fixed by this Court.

For Petitioner	: Mr.P.Kalaiyarasi Bharathi
For Respondents	: Mr.G.V.Vairom Santhosh
	Additional Government Pleader

ORDER

This Writ Petition has been filed for a direction to the respondents to disburse the salary of the petitioner for the period from 03.06.2008 to 23.08.2013, by treating the same as service period and consequently, regularize the period from 14.10.2016 to 03.01.2017 on the basis of the representation dated 08.01.2022 within a stipulated time that may be fixed by this Court.



W.P.(MD)No.1818 of 2023

WEB COPY

2. The case of the petitioner is that the petitioner was appointed as Office Assistant in the respondent Transport Department in the year 1991. While he was in service, he was issued with a charge memo on 25.10.2006. After conducting enquiry, the Tribunal has imposed the punishment of dismissal from service. Challenging the same, the petitioner has filed a writ petition before this Court in W.P(MD).No.6251 of 2008 and this Court vide order dated 18.04.2013 has set aside the order of punishment of dismissal from service alone and remanded the matter back to the second respondent to impose any other penalty such as stoppage of increment with cumulative effect, which would be a major penalty instead of dismissal from service. In pursuance of the same, the second respondent has modified the punishment of stoppage of increment with cumulative effect for five years vide order dated 06.11.2013. But the salary for the period from 03.06.2008 to 23.08.2013 was not disbursed to him. Hence, he has submitted a representation on 19.08.2016, but there was no response. In the meanwhile, by order dated 23.09.2016, the petitioner was transferred from Marthandam Regional Transport Office to Puliyarai Check-post



W.P.(MD)No.1818 of 2023

WEB COPY

coming under the in-charge of the fourth respondent and on 14.10.2016, he was relieved from service. Since the post of Office Assistant was not vacant, he was not in a position to join in the place of Office Assistant from 14.10.2016 to 03.01.2017 and he submitted a representation on 07.09.2016 seeking regularization for the said period. But, there was no response and hence, he submitted a representation on 08.01.2022 for disbursement of salary for the period from 03.06.2008 to 23.08.2013, treating the same as duty and regularizing the period from 14.10.2016 to 03.01.2017. However, the same has not been considered so far. Hence, the present writ petition has been filed.

3. The learned counsel appearing for the petitioner would submit that it would suffice, if the second respondent is directed to dispose of the representation of the petitioner, dated 19.08.2016, on merits and in accordance with law, within a specified period.



W.P.(MD)No.1818 of 2023

WEB COPY

4. The learned Additional Government Pleader appearing for the respondents has no serious objection for such an order being passed by this Court.

5. Considering the limited request made by the learned counsel for the petitioner, this Court, without going into the merits of the matter, directs the second respondent to consider the petitioner's representation, dated 19.08.2016 and pass appropriate orders, on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.

6. With the above direction, this Writ Petition is disposed of. No costs.

31.01.2023

NCC:Yes/No
Index:Yes/No
Internet:Yes/No
ssb

5/7



W.P.(MD)No.1818 of 2023

WEB COPY

To

- 1.The Secretary to Government,
Home Transport (II) Department,
Secretariat,
Chennai-600 009.
- 2.The Special Commissioner and Transport Commissioner,
O/o.The Special Commissioner and Transport Commissioner,
Chepauk,
Chennai-600 005.
- 3.The Deputy Transport Commissioner,
NGO B Colony,
Vasantha Nagar,
Tirunelveli-627 007.
- 4.The Regional Transport Officer,
Tenkasi,
Tenkasi District.
- 5.The Regional Transport Officer,
Marthandam,
Kanyakumari District.



WEB COPY



W.P.(MD)No.1818 of 2023

M.DHANDAPANI,J.

ssb

W.P.(MD)No.1818 of 2023

31.01.2023