



W.P.(MD)No.3030 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED:15.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.3030 of 2023

G.Sugumaran

... Petitioner

Vs.

The Managing Director,
Tamil Nadu State Transport Corporation (Kum) Limited,
TNSTC Head Office,
No.27, Railway Station New Road,
Kumbakonam-612 001.

... Respondent

Prayer:Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondent to provide duty to the petitioner by considering his representation dated 20.12.2022.

For Petitioner : Mr.S.P.Vijay Nivas

For Respondent : Mr.K.Jagadeesbalan



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ORDER

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This Writ Petition has been filed to direct the respondent to provide duty to the petitioner by considering his representation dated 20.12.2022.

2. The learned counsel appearing for the petitioner would submit that the petitioner is working as Driver in the respondent Transport Corporation. On 19.01.2012, while he was driving the bus near Keelapalam, it met with an accident, for which, a 70 years old pedestrain got injuries and was hospitalized for four days. Hence, a case was registered in Crime No.64 of 2012 under Section 304(A) of IPC by Mannargudi Police against the petitioner and the final report was also filed by the prosecution in C.C.No.426 of 2012 on the file of the Judicial Magistrate No.1, Mannargudi. After trial, the petitioner was convicted and sentenced to undergo two years simple imprisonment vide judgment dated 28.10.2022. Thereafter, the petitioner was not allowed to continue his duty. Hence, he has filed an appeal as against the conviction order passed by the trial Court in C.A.No.31 of 2022 before the Principal



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Sessions Judge, Thiruvarur. The Appellate Court has suspended the sentence till the disposal of the appeal. After getting the order of suspension of sentence, the petitioner has approached the respondent Management seeking duty. However, the respondent Management has not provided any duty to him. Therefore, he has made a representation on 20.12.2022 to the respondent to provide him duty, since he is the sole breadwinner of his family. 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 further submit that as per the Regulations of the Transport Corporation, without passing any order, not permitting the petitioner to continue the duty is not sustainable one. Hence, this Court may issue a direction to the respondent Transport Corporation to consider the representation of the petitioner dated 20.12.2022 and pass appropriate orders, on merits and in accordance with law, within a specified period.



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4. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondents.

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 respondent to consider the petitioner's representation, dated 20.12.2022 in terms of the Regulations of the Transport Corporation 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.

15.02.2023

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



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To

The Managing Director,
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M.DHANDAPANI,J.

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