



W.P.(MD).No.19014 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.08.2023

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.19014 of 2023

Kesavan

... Petitioner

Vs

- 1.The Managing Director,
Tamil Nadu State Transport Corporation Ltd.,
Kumbakonam,
Tanjavoure District.
2. The General Manager,
Tamilnadu State Transport Corporation Ltd,
Karaikudi Region, Karaikudi,
Sivagangai District.
3. The Branch Manager,
Tamilnadu State Transport Corporation Ltd,
Ulakaneri Branch, Madurai - 625 013.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to forthwith to provide the petitioner's Employment in the respondents office in order to protect the livelihood of the petitioner and his family members based on the petitioner's representation on 24.07.2023, within a stipulated time that may be fixed by this Court.



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For Petitioner : Mr.R.Senthilkumar

For Respondents : Mr.K.Jegadeesh Balan
Standing Counsel

ORDER

The present writ petition has been filed seeking direction to the respondents to forthwith to provide the petitioner's Employment in the office of the respondents, in order to protect the livelihood of the petitioner and his family members, based on the petitioner's representation on 24.07.2023, within a stipulated time that may be fixed by this Court.

2.By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

3.Heard, Mr.Mr.R.Senthilkumar, learned counsel appearing for the petitioner and Mr.K.Jegadeesh Balan, learned Standing Counsel appearing for the respondents.



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4.(i).The petitioner is working as a TNSTC bus driver in the third respondent office. His date of retirement is 30.09.2028. On 20.11.2022, while he was in duty of driving the bus vehicle bearing No.TN 63 N 1827, an accident occurred by dashing the petitioner's bus and another Car.

(ii)Fixing the responsibility for the accident, the petitioner was suspended by the second respondent on 20.12.2022, for which, a charge memo was issued by the second respondent to the petitioner on 20.12.2022. Thereafter, his suspension was revoked by the second respondent on 21.01.2022. However, the respondents are not providing any job to the petitioner in the third respondent office. Hence, the petitioner gave a representation on 24.07.2023 before the respondents, seeking to provide him with an employment in the third respondent office.

(iii)In the meanwhile, a disciplinary proceeding was initiated by the respondents as against the petitioner, vide order, dated 19.05.2023. Challenging the same, the petitioner has filed W.P(MD)No.13482 of 2023. This Court disposed of the said writ petition, thereby, permitting the petitioner to engage a co-employee or office bearer of Tamil Nadu State Transport Corporation (TNSTC) Union as his assistant to defend him in the above said proceedings.



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(iv) Thereafter, the petitioner has filed W.P(MD).No.17277 of 2023, challenging the show-cause notice, in which, this Court has passed an order of stay. In spite of all these developments, the respondents continue to negate the representation, dated 24.07.2023, preferred by the petitioner seeking to provide him with a job. Hence, this writ petition came to be filed.

5. At this juncture, Mr.K.Jegadeesh Balan, learned Standing Counsel appearing for the respondents vehemently contended that unless the disciplinary proceedings against the petitioner is completed, the petitioner may not be allowed to join.

6. Considering the limited prayer sought before this Court and the fact that the suspension of the petitioner was revoked by the second respondent, as early as on 21.01.2023, this Court hereby direct the respondents to consider the representation submitted by the petitioner on 24.07.2023 and forthwith provide him employment in the third respondent office, within a period of two weeks (2) from the date of receipt of a copy of this order.



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7. Accordingly, this writ petition stands disposed of. There shall be

no order as to costs.

10.08.2023

NCC : Yes / No

Index : Yes / No

Internet : Yes

PNM

To

1. The Managing Director,
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Kumbakonam,
Tanjavoure District.

2. The General Manager,
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L.VICTORIA GOWRI, J.

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ORDER IN
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