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Writ Petition No.24265 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.08.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.24265 of 2024

and

W.M.P.No.26513 of 2024

K.Manoharan
S/o.Kanniappan

... Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Transport Corporation
(Villupuram) Ltd.,
3/137, Salamedu,
Valudhareddy Post,
Villupuram - 605 602.

2.The General Manager,
Tamil Nadu State Transport Corporation
(Villupuram) Ltd.,
Kancheepuram Regional Office,
Ponnerikkarai, Karapettai,
Chennai Bangaluru Highway,
Kancheepuram - 631 552.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorari calling for the records pertaining to Memo No.175/P6/TNSTC/KPM/24 dated 01.08.2024 issued to the petitioner by the second respondent in dealing with the order of this Court



Writ Petition No.24265 of 2024

dated 16.02.2024 in W.P.No.3727 of 2024 and quash the same as illegal.

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For Petitioner : Mr.N.Ishak

For Respondents : Mr.R.Venkatesa Perumal
Standing Counsel

ORDER

This writ petition has been filed challenging the Memo No.175/P6/TNSTC/KPM/24 dated 01.08.2024 issued to the petitioner by the second respondent.

2. Heard Mr.N.Ishak, learned counsel for petitioner and Mr.R.Venkatesa Perumal, learned counsel appearing for respondents.

3. The grievance of the petitioner is that he was promoted as General Foreman through proceedings dated 17.03.2022 whereas his pay was not fixed in the promoted post. Therefore, the petitioner approached this Court and filed W.P.No.3727 of 2024 seeking a direction to the respondents to fix the pay and other allowances in the promoted post of General Foreman. This Court disposed of the writ petition by order dated 16.02.2024 and directed the respondents to deal with the request made by the petitioner within a period of six weeks. After the order was passed,



the petitioner was asked to execute a bond by declaring his acceptance for notional fixation of pay for General Foreman category from 17.03.2023 and to receive the monetary benefits only from June 2024. The petitioner, left with no other option, signed the bond as directed by the respondents. When the petitioner was expecting for the pay fixation order, he received the impugned communication from the second respondent dated 01.08.2024 calling upon the petitioner to show cause as to why the promotion given to the petitioner should not be recalled. Aggrieved by the same, the present writ petition has been filed before this Court.

4. When the matter was taken up for hearing, the petitioner placed relevant materials to show as to why proceedings that have been initiated by the second respondent is unsustainable. The petitioner also brought to the notice of this Court that on receipt of the communication dated 01.08.2024, the petitioner has also given his explanation on 17.08.2024.

5. It is also brought to the notice of this Court that as against the order passed in the writ petition, the respondents have filed a writ appeal and it is yet to be numbered and brought up for hearing.



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6. Taking into consideration the facts and circumstances of the case and also the relevant materials that have been placed before this Court and also the fact that the petitioner has submitted his explanation on 17.08.2024 to the second respondent, there shall be a direction to the second respondent to deal with the explanation submitted by the petitioner for the show cause notice, on its own merits and in accordance with law and take a decision within a period of six (6) weeks from the date of receipt of a copy of this order. If ultimately the respondents want to prosecute the writ appeal, they have to await for the orders in the writ appeal or on the alternative if the respondents do not want to prosecute the writ appeal, they can proceed to pass orders as directed by this Court.

7. This Court did not intentionally go into the merits of the case since it will have a bearing on the decision to be taken by the second respondent. Therefore, the grounds that were raised by the petitioner is left open to be considered by the second respondent.

This Writ Petition is disposed of with the above direction. No costs. Consequently, connected miscellaneous petition is closed.



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Neutral Citation: Yes/No

Index: yes/no

Speaking Order/Non-Speaking Order
gm

To

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Valudhareddy Post,
Villupuram - 605 602.

2.The General Manager,
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N.ANAND VENKATESH, J

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