



W.P.(MD).No.3296 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.02.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.3296 of 2024

A.Senthilkumar

... Petitioner

Vs.

1.The Managing Director,
Tamil Nadu Transport Corporation (Madurai) Ltd.,
Bye Pass Road, Madurai.

2.The General Manager,
Tamil Nadu Transport Corporation (Madurai) Ltd.,
Dindigul Region,
Madurai.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the 1st respondent to pass appropriate orders on the appeal preferred by the petitioner dated 21.05.2018 and pass appropriate orders on merits and in accordance with law within the period that may be stipulated by this Court.

For Petitioner : Mr.M.Jerin Mathew

For Respondents : Mr.Gladson Michael Rajadurai
Standing Counsel



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ORDER

Mr.Gladson Michael Rajadurai, learned Standing Counsel takes notice for the respondents.

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

3. The brief facts, which are necessary for the disposal of this Writ Petition, are as follows:-

The petitioner was appointed as Driver on 14.07.2011. On 22.06.2017, while he was driving the bus of the respondent Corporation, he met with an accident resulting the death of a person who dashed against the bus. First Information Report was registered as against the petitioner and the petitioner was placed under suspension vide the proceedings of the 2nd respondent dated 22.06.2017 and the petitioner was visited with a charge memo on 05.07.2017 for which he submitted a detailed explanation. Pursuant to the same, suspension of the petitioner was revoked by the proceedings of the 2nd respondent dated 20.07.2017 without prejudice to the pending disciplinary proceedings against



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him. Thereafter, enquiry was conducted and the Enquiry Officer held that the charges against the petitioner is proved. Pursuant to which 2nd Show Cause Notice calling upon explanation on the proposed punishment came to be issued on 28.02.2018, following which vide proceedings of the 2nd respondent dated 05.04.2018, punishment of postponement of increment for two years with cumulative effect was imposed on the petitioner. As against the same, the petitioner had preferred an appeal on 21.05.2018 before the 1st respondent. However, the same is pending endlessly without disposal. On 29.09.2023, a reminder was sent by the petitioner. Hence, the present Writ Petition came to be filed.

4. It is needless to point out that whenever an appeal of this nature is made to a Statutory Authority, there is a duty cast upon the respondent to consider the same on its own merits and pass appropriate orders in one way or other instead of keeping the same pending indefinitely. As such, non-consideration of the appeal made by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking the extraordinary powers under Article 226 of the Constitution of India.



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5. In view of the same, this Court hereby directs the 1st respondent to dispose of the appeal preferred by the petitioner on 21.06.2018 and pass appropriate orders in accordance with law within a period of two(2) 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.

15.02.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
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To,

1.The Managing Director,
Tamil Nadu Transport Corporation (Madurai) Ltd.,
Bye Pass Road, Madurai.

2.The General Manager,
Tamil Nadu Transport Corporation (Madurai) Ltd.,
Dindigul Region,
Madurai.



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L.VICTORIA GOWRI, J.

CM

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