



W.P.(MD).No.6707 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.03.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.6707 of 2024

R.Balasubbaiah

... Petitioner

Vs

1. The Managing Director,
Tamil Nadu State Transport Corporation (Madurai) Ltd.,
Madurai..
2. The General Manager,
Tamil Nadu State Transport Corporation (Madurai) Ltd.,
Virudhunagar Region, Virudhunagar District.
3. The Branch Manager,
Tamil Nadu State Transport Corporation (Madurai) Ltd.,
Virudhunagar Region, Sivakasi Branch,
Virudhunagar District.

... 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 1 and 2 to re-calculate the basic salary and other allowances by taking basic pay and all other back wages of the petitioner before imposing the punishment, on the basis of acquittal order passed in C.C.No.103/2017 on the file of Judicial Magistrate Court, Madurai and as per similar order, dated 25.9.2023 passed in



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WP(MD).No. 23256 of 2023 by this Court and further direct the respondents 1 to 2 to sanction the difference amount of salary and other allowances to the petitioner along with 6 percent interest per annum.

For Petitioner : Mr. N.Sudhagar Nagaraj

For Respondents : Mr.K.Ramaiah
Standing Counsel

ORDER

The present writ petition has been filed seeking a direction to the respondents 1 and 2 to re-calculate the basic salary and other allowances by taking basic pay and all other back wages of the petitioner before imposing the punishment, on the basis of acquittal order passed in C.C.No.103/2017 on the file of Judicial Magistrate Court, Madurai and as per similar order, dated 25.9.2023 passed in WP(MD).No. 23256 of 2023 by this Court and further direct the respondents 1 to 2 to sanction the difference amount of salary and other allowances to the petitioner along with 6 percent interest per annum.

2.By consent of both parties, considering the limited relief sought for by the petitioner, the Writ Petition is taken up for final disposal at the stage of admission itself.



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3.Heard, the learned counsel appearing for the petitioner and the learned Standing Counsel appearing for the respondents. Perused the materials on record.

4.(i).The petitioner was appointed as Driver in the respondent Corporation and presently, he is working in the 2nd respondent Branch at Sivakasi. On 09.11.2016, while plying the bus belonging to the second respondent Corporation between Erode and Sivakasi, he met with an accident. As a result of which, a case was registered in Cr.No.342 of 2016 in Transport Investigation Section II Police Station, Madurai. Pursuant to the same, he was visited by a suspension order, thereafter, the same was revoked and the petitioner was reinstated into service.

(ii).While so, disciplinary proceedings was initiated against the petitioner and was awarded with a punishment of increment cut for two years with cumulative effect on 14.03.2019.

(iii).In the meanwhile, the FIR pending against the petitioner, culminated into a case in C.C.No.103 of 2017 on the file of Judicial Magistrate, Madurai and after elaborate trial, the same ended in acquittal of the petitioner, vide judgment, dated 17.08.2023.



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(iv).After the acquittal of the petitioner, he preferred an appeal before the first respondent on 02.02.204, seeking to cancel the award of punishment passed against him on 14.03.2019. However, the same was not considered. Hence, this writ petition came to be filed.

5. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon the respondents 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 representation by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of Constitution of India and direct the respondents to consider the same within a stipulated time.

6.Considering the limited scope of the relief sought for by the petitioner, without going into the merits of the case, this Court hereby direct the first respondent to dispose of the appeal preferred by the petitioner, dated 30.08.2017 and pass appropriate orders in accordance with law, within a period of eight (8) weeks, from the date of receipt of a copy of this order.



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7. With the above direction, this writ petition stands disposed of.

There shall be no order as to costs.

19.03.2024

NCC : Yes / No

Index : Yes / No

Internet : Yes

PNM

To

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L.VICTORIA GOWRI, J.

PNM

ORDER IN
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