



WEB COPY

WP No. 2295 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13-08-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

WP No. 2295 of 2022

M.Sathish Kumar
S/o.P.Moudeswaran,
No.170/93, Samayapurathal Nagar,
Panamarathupatti Post,
Salem District 636204.

..Petitioner(s)

Vs

1. M/s.TamilNadu State Transport Corporation
(Salem) Ltd.,
Rep. by its Managing Director,
No.12, Ramakrishna Salai, Salem 636 007.
2. M/s.Tamil Nadu State Transport Corporation
(Salem) Ltd.,
Rep. by its General Manager,
No.12, Ramakrishna Salai, Salem 636 007.

..Respondent(s)

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records of the 2nd respondent in Kurippannai No. 772-16354-D6/ Tha.A.Po.Ka / 2021 dated 08.10.2021 and 772-16354-D6/ Tha.A.Po.Ka / 2021 (Salem) / 2021 dated 08.11.2021 quash the same and consequently direct the 2nd respondent to sanction leave from 29.08.2021 to 09.09.2021 to the petitioner herein and pay him the wages, refund the fine amount of Rs.1000/- and continue the service from 29.08.2021 to 09.09.2021 without break in service.



WEB COPY

For Petitioner(s):

Mr.D.Soundar Raj

For Respondent(s):

Mr.K.Raja

Standing Counsel

ORDER

The present writ petition has been filed challenging the impugned charge memorandum dated 08.10.2021 and consequential punishment which was imposed on 08.11.2021.

2. The learned counsel appearing for the petitioner would submit that only upon the sanction of leave, he took leave on a medical certificate and that without conducting any enquiry, a punishment was imposed against him. Therefore, the very punishment is liable to be set aside. It is also his submission that the punishment is shockingly disproportionate as a break in service was also imposed against him.

3. The said contention was totally objected by the learned Standing Counsel and would submit that it is only a minor punishment and that according to the standing orders, no domestic enquiry is required. It is also his submission that due to unauthorised absence of the petitioner, there was a disturbance in the operation of the buses which resulted in inconvenience to the common public. Therefore, there is no illegality in imposing punishment and that the punishment



was not shockingly disproportionate.

WEB COPY

4. I had given an anxious consideration on either side submission.

5. Though the learned Standing Counsel would submit that this being a minor punishment, there is no necessity for conducting any domestic enquiry. To substantiate the same, he is not in a position to submit any records before this Court either standing order or any other service rule. Coming to the punishment, this Court is of the firm view that there are some grounds in favour of the petitioner. However, while looking into the charge memorandum, the charges are only the unauthorised absence between 29.08.2021 to 09.09.2021. It is the defence of the petitioner that only upon the medical certificate and on acceptance of that medical certificate he availed leave. Though such being position considering the fact that the punishment was imposed on 08.11.2021 of imposing fine of Rs.1,000/- and break in service between 29.08.2021 to 09.09.2021 and upon the further fact that there was no domestic enquiry and also upon the fact the punishment of break in service would affect in his pension, this Court is inclined to modify the punishment to the extent of setting aside the imposing break in service between 29.08.2021 to 09.09.2021 but the remaining extent of the punishment *qua* imposing fine of Rs.1,000/- is not disturbed.



WEB COPY

6. In the result, this Writ Petition is partly allowed as indicated above. No costs.

13-08-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

MTL

To

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C.KUMARAPPAN, J.

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