



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07-07-2026

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THE HON'BLE MS. JUSTICE P.T. ASHA

WP No. 30903 of 2024

Albert Vijayakumar Amalraj

..Petitioner(s)

Vs

1. The Managing Director
Tamil Nadu State Transport Corporation
(Villupuram) Ltd, No.3/137, Salamedu,
Kandamanadi PO, Villupuram- 605 602.
2. The General Manager
Tamil Nadu State Transport Corporation
(Villupuram) Ltd, Thiruvellore Region,
Thiruvellore, Thiruvellore District- 602 001.

..Respondent(s)

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, calling for the records of the 2nd respondent order Ku. No. 296/ 3809 /L21/ TNSTC (Vizu) / Thiruva / 2017 dated 25.04.2018, quash the same and consequently direct the respondents to return the recovered punishment amount to the petitioner with interest and restore with held increment.

For Petitioner(s): Mr. S.T.Varadarajalu

For Respondent(s): M/s.A.Vinothraj

Standing Counsel



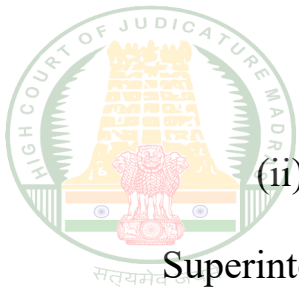
Order

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The present writ petition has been filed seeking the issuance of a writ of certiorarified mandamus to call for the records of the 2nd respondent order Ku. No. 296/ 3809 /L21/ TNSTC (Vizu) / Thiruva / 2017 dated 25.04.2018, quash the same and consequently direct the respondents to return the recovered punishment amount to the petitioner with interest and restore with held increment.

2. The brief facts which has culminated in the filing of the above writ petition are as follows:

(i) The petitioner was appointed as a Junior Assistant on 27.09.1985 and his services were regularized on 26.09.1986. Thereafter, he was promoted as Senior Assistant, Selection Grade Assistant and Superintendent in the year 2012. In the year 2017, he was given the post of Selection Grade Superintendent in which post he had worked till his retirement.



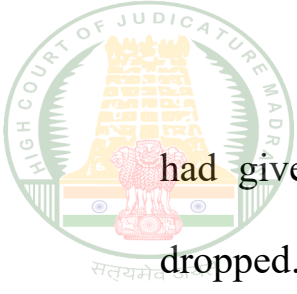
(ii) The petitioner would contend that while working as a Superintendent he was assigned a desk job. There was a canteen in the office complex, which had been put up for the purpose of providing food and snacks to the workers. The canteen was being run by a contractor. The workers in the respondent-Corporation were given tea tokens for purchasing tea or coffee at a subsidized rate. Thereafter, the contractor would submit the total number of tokens collected to the office and would be reimbursed for the same.

(iii) With the sole intent of denying promotion to the petitioner, a Charge Memo came to be issued on 10.11.2017 alleged that the petitioner had claimed a sum of Rs.34,170/- over and above the number of tokens distributed for the purchase of tea / coffee. The period during which the petitioner was alleged to have indulged in this activity was from January 2017 to July 2017. The petitioner had given his reply on 07.12.2017 denying the charges. However, without accepting the explanation given by him, a departmental enquiry was held and the petitioner had participated in the enquiry. In his report dated 28.02.2018, the Enquiry Officer had held all the charges to be proved. Based on this report, a second show cause notice was issued on 21.03.2018 asking the petitioner



to show cause as to why the punishment of postponement of increment for a period of two years with cumulative effect should not be imposed. The petitioner had given a detailed explanation requesting the respondents to exonerate him from the charges. However, the first respondent had modified the punishment to that of postponement of increment for two years with cumulative effect. Challenging the same, the petitioner is before this Court.

3. A counter affidavit has been filed by the respondents in which it is stated that during an inspection when the tea tokens were checked in January 2011, the Corporation had discovered that an excess amount of Rs.34,170/- towards tea sale for a period of 7 months from January 2017 to July 2017 was claimed. Therefore, the charge memo was issued in the year 2017 calling upon the petitioner to give his explanation. The petitioner had given his explanation denying the charges. Since the respondents were not satisfied with the explanation, a departmental enquiry was initiated. The Enquiry Officer, after following due process of law, had held all the charges as proved. Thereafter, based on the report of the enquiry officer, a second show cause notice was issued on 21.03.2018 informing the petitioner about the proposed punishment. The petitioner



had given an explanation requesting that the proposed punishment be dropped. Thereafter, the punishment was modified to postponement of increment for two years without cumulative effect. The respondents would that the workmen included drivers and conductors, and when they consumed tea, the value of the tea tokens was deducted from their respective salaries. Since the petitioner had not discharged his duties diligently, a loss had been caused to the respondents. Therefore, they prayed for dismissal of the writ petition.

4. Heard the learned counsel on both sides and perused the materials available on record.

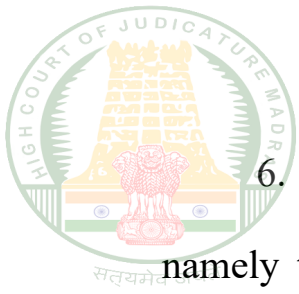
5. The charges framed against the petitioner in respect of which the disciplinary proceedings had been initiated are as follows:

(1) 01/2017 முதல் 07/2017 வரை தேநீர் விற்பனையில்

கேட்ப, பட்டியல் மூலம் ரூ.34,170/- அதிகமான தொகையை

மண்டல அலுவலகத்திலிருந்து பெற்றுள்ளார்.

(2) பொறுப்புள்ள பணியாளராக பணிபுரிய தவறியுள்ளார்.



6. To prove this charge, the respondents relied upon four documents namely the Charge Sheet, the petitioner's explanation, Management side evidences and tea tokens and examined one V.Suresh Raja, Assistant, Kanjeeपुरam Division. On the side of the petitioner, except for his oral evidence, no documents were marked.

7. A mere perusal of the evidence of the management witness clearly shows that there is no categoric evidence to show that the petitioner had pocketed the money by not showing the correct number of tea tokens. That apart, the contractor to whom the tokens were submitted has not even been examined on the side of the management. The Enquiry Officer has, without any evidence, come to the conclusion that as against the attendance of 6242 workmen 13,076 tokens were submitted by the petitioner. Therefore, the Enquiry Officer has come to the conclusion that the charges against the petitioner had been proved. On the basis of this enquiry report, the impugned order has been passed. Neither the statement of account nor the attendance register has been produced, despite which the Enquiry Officer has come to the conclusion that the charges stood proved. The explanation of the petitioner was that the drivers and staff who had reported for duty might not have consumed tea or coffee though



they had taken the tokens. The petitioner, in his explanation, had set out various categories of workmen who might not have consumed tea/coffee.

The respondents on whom the burden of proof rests have failed to discharge their liability. The non-examination of the contractor is fatal to the case of the management. Therefore, without even prima facie establishing the loss, the respondents have fastened the liability upon the petitioner.

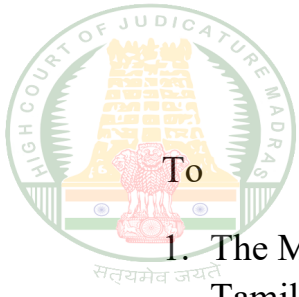
8. In the light of the above observations, the impugned order dated 25.04.2018 is set aside, and the writ petition is allowed. The respondents are directed to refund the recovered amount to the petitioner along with applicable interest and restore the withheld increment. No costs.

07-07-2026

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

SRN

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To

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P.T.ASHA J.

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