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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.09.2015

C O R A M

THE HONOURABLE MR.JUSTICE T.RAJA

W.P(MD)No.17493 of 2015

Natarajan .. Petitioner

Vs.

1.The Tamil Nadu State Transport Corporation
Kumbakonam Limited,
Rep. By its Managing Director,
New Railway Station Road,
Kumbakonam.

2.The Tamil Nadu State Transport Corporation
Kumbakonam Limited,
Tiruchiarappalli Region,
Rep. By its General Manager,
Periya Milaguparai,
Tiruchirappalli – 1. ..Respondents

Prayer : Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Certiorarified Mandamus, to calling for the records relating to the proceedings of the second respondent in TNSTC/KUM/TRY/D1/8542/2012 dated 12.09.2013 resulting in final settlement details dated 21.10.2013 and quash the same and consequently directing the first respondent to pay the final settlement of Rs.4,19,609/- to the petitioner which includes the Gratuity amount Rs.4,00,810/- to the petitioner.

For Petitioner : Mr.S.K.Mani
For Respondents : Mr.D.Sivaraman takes notice

ORDER

This Writ Petition has been filed by M.Natarajan, challenging the impugned order dated 12.09.2013 imposing punishment of stoppage of increment for two years with cumulative effect.

2. Heard the learned counsel for the petitioner. Mr.D.Sivaraman, learned counsel takes notice for the respondents.

3. The learned counsel appearing for the petitioner would submit that the impugned order cutting the increment for a period of two years has been passed on 12.09.2013, just before the date of retirement of the petitioner viz., 30.09.2013, therefore, the increment cut could not be implemented as there was no time to implement the same. This argument

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advanced by the learned counsel for the petitioner does not merit acceptance.

4. The reason is, first of all, the petitioner has not come to this Court immediately after passing the impugned order and there is a huge unexplained delay of 3 years. That apart, the order stopping the increment for a period of two years with cumulative effect was valid and implemented due to passage of time. Therefore, the Writ Petition fails and the same is dismissed on the point of delay. No costs.

Sd/-
Assistant Registrar (AE)

/True copy/

Sub Assistant Registrar

To
1. The Managing Director,
   The Tamil Nadu State Transport Corporation
   Kumbakonam Limited,
   New Railway Station Road,
   Kumbakonam.

2. The General Manager,
   The Tamil Nadu State Transport Corporation
   Kumbakonam Limited,
   Tiruchiarappalli Region,
   Periya Milaguparai,
   Tiruchirappalli - 1.

+1 CC to Mr.S.K.Mani, Advocate, SR No.58039
+1 CC to Mr.D.Sivaraman, Advocate, SR No.57152

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SH/DP-JGB:24.11.2015:2P/5C

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