



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.04.2015

CORAM:

THE HONOURABLE Mr. JUSTICE S. VAIDYANATHAN

W.P. (MD) No. 7774 of 2015

and M.P. (MD) No. 1 of 2015

N. Manoharan

... Petitioner

Vs.

1. The Managing Director,
State Express Transport Corporation (Tamil Nadu) Ltd.,
Pallavan Salai,
Chennai - 2.

2. The General Manager,
State Express Transport Corporation (Tamil Nadu) Ltd.,
Pallavan Salai,
Chennai - 2.

... Respondents

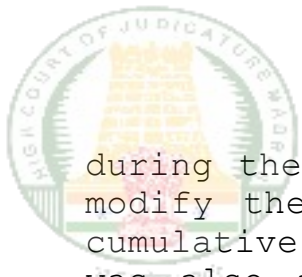
PRAYER: Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the 2nd respondent in order No.18200/DL.2/Aa.Vi.Po.Ka/2013 dated 09.11.2013 in imposing the punishment of increment cut for a period of 6 months without cumulative effect on the petitioner as confirmed by the 1st respondent in Memo No.029707/L10/SM/Aa.Vi.Po.Ka/2014, dated 28.01.2015 quash the same and consequently, direct the respondents to refund the amount already recovered from the salary of the petitioner towards the above punishment.

For Petitioner : Mr.A.Rahul

For Respondents : Mr.K.Sathiyasingh

ORDER

The Writ petition has been filed to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the 2nd respondent in order No.18200/DL.2/Aa.Vi.Po.Ka/2013 dated 09.11.2013 in imposing the punishment of increment cut for a period of 6 months without cumulative effect on the petitioner as confirmed by the 1st respondent in Memo No.029707/L10/SM/Aa.Vi.Po.Ka/2014, dated 28.01.2015 quash the same and consequently, direct the respondents to refund the amount already recovered from the salary of the petitioner towards the above punishment.



during the last occasion, this Court suggested the respondents to modify the punishment into one of stoppage of increment without cumulative effect to give a quietus to the issue. This suggestion was also agreed by the petitioner. Therefore, in order to get instructions from the respondents, the learned Standing Counsel took time.

3.Today, it is represented by the learned Standing Counsel appearing for the Corporation that the matter may be remanded back to the respondents so that enquiry would be conducted against the petitioner.

4.Considering the submission made by the learned counsel appearing on both sides, this Court sets aside the impugned order dated 09.11.2013 passed by the second respondent which is confirmed by order dated 28.01.2015 by the first respondent as it has been passed without any enquiry and the matter is remanded back to the authority concerned to consider the case afresh and to proceed further in accordance with law. This Court is of the view that the respondents' approach to proceed with the enquiry clearly shows their 'ego' to litigate on public money, when they are well aware that even if charges are proved, they cannot impose more punishment than what was already imposed.

5.With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected M.P.is closed.

Sd/-

Assistant Registrar(Writs)

/True Copy/

Sub Assistant Registrar

To

1.The Managing Director,
State Express Transport Corporation (Tamil Nadu) Ltd.,
Pallavan Salai,
Chennai - 2.

2.The General Manager,
State Express Transport Corporation (Tamil Nadu) Ltd.,
Pallavan Salai,
Chennai - 2.

+1cc Mr.K.Sathiya Singh, Advocate Sr.No. 24147

nbj

AA/19.06.2015/2p- 4c/

W.P. (MD) No.7774 of 2015
30.04.2015