



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 27.09.2016
CORAM
THE HONOURABLE DR.JUSTICE S.VIMALA

WEB COPY

W.P (MD) No.18405 of 2016

M.Balasubramanian

... Petitioner

vs.

1) The Managing Director,
Tamilnadu State Transport Corporation (Madurai) Ltd.,
Bye Pass Road, Madurai-625016.

2) The General Manager,
Tamilnadu State Transport Corporation (Madurai) Ltd.,
Dindigul Region, Dindigul-4. ... Respondents

Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondent to modify the punishment of increment Cut with cumulative effect for one year into one of without cumulative effect for one year in terms of the order in Appeal passed by the 1st respondent dated 29.10.2009 and consequently direct the respondents to give effect the date of 3rd Review and Promotion from 1.5.2012 instead of 1.5.2013 notionally with monetary, Service and Pensionary Benefits from the date of 3rd Review on 1.5.2012.

For Petitioners : Mr.S.Govindan

For Respondents : Mr.A.Jeyaram

ORDER

The petitioner was appointed as a driver on 01.04.1987 and worked for 24 years; as he was involved in an accident, a punishment of increment cut for a period of one year with cumulative effect, was imposed on him; aggrieved over the abovesaid punishment, the petitioner preferred Appeal to the 1st respondent; on appeal, the punishment was modified into one of increment cut for a period of one year without cumulative effect; this order was not given effect to and therefore, the petitioner has filed this writ petition, seeking a direction to the respondents, to implement the order dated 29.10.2009, passed by the 1st respondent in the Appeal preferred by the petitioner and consequently to direct the respondents to give effect to the date of 3rd Review and promotion from 01.05.2012 instead of 01.05.2013 notionally, with monetary, service and pensionary benefits from the date of 3rd Review on 01.05.2012. In this regard, the



petitioner has submitted a representation dated 15.12.2015 to the 1st respondent followed by a Legal Notice dated 11.01.2016.

2. Having regard to the fact that there is modification of punishment in the Appeal by the 1st respondent, the learned counsel for the petitioner seeks a direction to the respondents to consider the representation of the petitioner dated 15.12.2015 and to pass orders.

3. Learned standing counsel appearing for the respondents corporation has submitted that it is agreeable for the respondents to consider the representation of the petitioner dated 15.12.2015 and to pass orders.

4. Recording the above submission, this Writ Petition is disposed of directing the 1st respondent to consider the representation of the petitioner dated 15.12.2015, in the light of the order dated 29.10.2009, passed by the 1st respondent in the Appeal preferred by the petitioner, modifying the punishment of increment cut with cumulative effect for one year into one of cut in the increment without cumulative effect for one year and to pass appropriate orders, on merits and in accordance with law, within a period of two weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar(AE)

/TRUE COPY/

Sub Assistant Registrar

+1cc to M/S.S.GOVINDAN, ADVOCATE SR.No. 55999

JA-GSV-PM-17.10.2016-2P:2C

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