



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.10.2016

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THE HONOURABLE DR.JUSTICE S.VIMALA

W.P. (MD) No.19315 of 2016

and

WMP (MD) Nos.13924 and 13925 of 2016

G.Dhanagopal

.. Petitioner

Vs

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

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

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order passed by the 2nd respondent in Order No.11559/TL2/Aa.Vi.Po.Ka/2014, dated 21.02.2015 as modified by the first respondent in Reorder No.23764/TL2/Aa.Vi.Po.Ka/2015, dated 25.05.2015 in imposing the punishment of increment cut for a period of six months with cumulative effect, quash the same and consequently direct the respondents to refund the amount already recovered from his salary towards the above punishment.

For Petitioner : Mr.A.Rahul

For Respondents : Mr.K.Sathiya Singh

ORDER

The issue lies in a narrow compass. Hence the matter is taken up for final disposal with the consent of both parties.

2.Admittedly, the petitioner, who was employed as driver, was imposed with the punishment of stoppage of increment for one year with cumulative effect by the impugned order, dated 21.02.2015, by the second respondent. The said punishment was modified by the first respondent into stoppage of increment for 6 months with cumulative effect.



3.The main issue which is focussed by the learned counsel for the petitioner is that the aforesaid punishment was issued without holding enquiry that is contemplated under the certified Standing Orders.

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4.The learned counsel for the respondent - Transport Corporation has not seriously disputed about the above said legal position.

5.Clauses 30 and 31 of the certified Standing Orders make it clear that the punishments other than censure and fine shall be imposed only after holding enquiry. In view of Clauses 30 and 31 of the certified Standing Orders, the impugned orders are liable to be quashed and accordingly the same are quashed. Further, it is made clear that the respondents are at liberty to hold enquiry following the law and pass appropriate orders thereon.

6.The writ petition is allowed in the above terms. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(Writs)

/True Copy/

Sub Assistant Registrar

To

1.The Managing Director,
The 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.

+1 cc to MR.A.RAHUL, Advocate SR.No.60521

+1 cc to MR.K.SATHIYA SINGH, Advocate SR.No.60457

W.P. (MD)No.19315 of 2016
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SMA/PV/18.11.2016:2P/5C