



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 26.07.2017

CORAM:

WEB COPY

**THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN**  
**and**  
**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

W.A.(MD)No.889 of 2011 and  
M.P.(MD)Nos.3 and 4 of 2011

C.Sarguna Issac Pandian

.. Appellant/Petitioner

**Vs.**

1. The Managing Director,  
Tamil Nadu State Transport Corporation (Madurai) Ltd.,  
Bye-Pass Road, Madurai.  
Now renamed as  
Tamil Nadu State Transport Corporation (Tirunelveli)Ltd.,  
Tirunelveli.

2. The General Manager,  
Tamil Nadu State Transport Corporation (Madurai) Ltd.,  
Vannarapet, Tirunelveli.  
Now renamed as  
Tamil Nadu State Transport Corporation (Tirunelveli)Ltd.,  
Tirunelveli region,  
Tirunelveli.

.. Respondents/Respondents

**PRAYER:** Writ Appeal is filed under Clause 15 of Letters Patent to set aside the order of the learned Judge dated 26.11.2009 in W.P.No.2671 of 2006 and also to quash the order of the 1st respondent dated 18.07.2005 and consequently to direct the respondents to restore the pay of the appellant as on 02.09.2003 with arrears and all other consequential benefits including revisions of pay, annual increments etc.

**Prayer in WP(MD). 2671/ 2006 :**

Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records from the 1st respondent made in No.8810/S.6/TNSTC/03 dated 18/07/2005 and quash the same as non application of mind and direct the respondents to continue to pay the salary of the petitioner with all increments.

**JUDGMENT****(Judgment of the Court was delivered by G.R.SWAMINATHAN, J)**

This writ appeal is directed against the order dated 26.11.2009 made in W.P.(MD)No.2671 of 2006. The appellant was employed as Conductor in the respondent Transport Corporation. During the course of his employment, disciplinary proceedings were initiated against him and by the order dated 03.09.2003, the second respondent imposed the punishment of stoppage of increment for a period of three years with cumulative effect.

2. Aggrieved by the same, the appellant herein preferred an appeal before the first respondent. The first respondent by order dated 18.07.2015 enhanced the punishment by reduction of salary by five stopes. This order dated 18.07.2015 passed by the first respondent was questioned and direction was sought for payment of salary with all increments. However, when the writ petition was taken up for final disposal, the only argument advanced by the writ petitioner was that the first respondent did not have the power to enhance the quantum of punishment while dismissing the appeal filed by the writ petitioner. Eventhough the said contention was not accepted in principle, the learned Single Judge ultimately set aside that part of the order whereby the first respondent enhanced the quantum of punishment. However, the punishment imposed by the disciplinary authority was confirmed.

3. It is against this order passed by the learned Single Judge that the present intra court appeal has been filed. We are of the view that when the appellant herein confined his arguments only to the issue of enhancement of quantum of punishment, it is not open to him to re-open the entire issue which was not argued before the learned Single Judge. The learned Single Judge had granted relief by setting aside the enhancement of punishment. Hence, the matter should rest there and the question of filing further appeal does not arise. Accordingly, this writ appeal stands dismissed. No costs. Consequently, M.P.(MD)Nos.3 and 4 of 2011 are closed.

Sd/-

Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar

+ 1 CC TO Mr.S.ARUNACHALAM, ADVOCATE IN SR No. 68111

MRN/TA/PSD

TE/SKN-RSK/SAR-III : 08/08/2017 : 2P/2C