



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.02.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) No.3663 of 2018

and

W.M.P. (MD) Nos.3785 and 3786 of 2018

V.Malaichamy

... Petitioner

Vs.

The Management of Tamil Nadu State
Transport Corporation,
(Kumbakonam) Limited,
Pudukkottai Region,
Represented by its General Manager,
Pillaithaneerpanthal,
Pudukkottai.

... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari Mandamus, calling for the records pertaining to the impugned order passed by the respondent in Ref.No.Th.Aa.Po.Ka/TS/D3/1056/15, dated 16.12.2017, quash the same.

For Petitioner :Mr.A.Rahul

For Respondent : Mr.D.Sivaraman
Standing Counsel

ORDER

Mr.D.Sivaraman, learned Standing Counsel, takes notice for the respondent.

2.By consent of both parties, the main writ petition is taken up for final disposal at the stage of admission itself.

3.The petitioner is working as a driver in the respondent Corporation. The respondent has imposed the impugned punishment of stoppage of increment for a period of one year with cumulative effect by order dated 16.12.2017.

4.The learned counsel appearing for the petitioner submitted that such an order could not have been passed without holding an enquiry.



5.Per contra, the learned Standing Counsel appearing for the respondent would submit that holding an enquiry is not contemplated in terms of the standing orders. The issue on hand is governed by an earlier order dated 18.01.2018 passed by this Court in W.P.(MD)No.17463 of 2014. In the present case also, the respondent has passed the impugned order without even considering the petitioner's explanation. Therefore, the order impugned in the writ petition stands quashed. However, liberty is given to the respondent to proceed further in accordance with law. This Court held that in cases where the punishment of stoppage of increment with cumulative effect is passed, holding of enquiry is necessary.

6.This Writ Petition is allowed accordingly. No costs. Consequently, connected miscellaneous petitions are also dismissed.

Sd/-

Assistant Registrar(RTII)

/True Copy/

Sub Assistant Registrar

sss/rmi

TO

+1 CC TO Mr. D.Sivaraman , Advocate, Sr.No. 50519

+1 CC TO Mr. A.Rahul , Advocate, Sr.No. 50397

JAM/31/05/2018/ JC/ SAR 3/ 2P-3C

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