



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.07.2018

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P(MD)No.15486 of 2018

WEB COPY

S.Saravanan

... Petitioner

Vs.

1. The Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,  
rep. by its Managing Director,  
Kumbakonam.

2. The General Manager,  
Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,  
Kumbakonam Region,  
Kumbakonam.

... Respondents

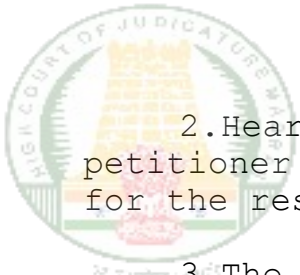
**Prayer:** This Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to reconsider the punishment of increment cut for 3 years with cumulative effect imposed on the petitioner vide the order passed by the 2<sup>nd</sup> respondent in Ref:TNSTC/D5/Chida/012/2010 dated 31.03.2011 based on the judgment of acquittal passed by the Judicial Magistrate No.II, Kumbakonam in C.C.No.305 of 2010 dated 09.05.2016 and consequently direct the respondents to pass orders re-fixing the petitioner's pay and his terminal benefits and further directing the respondents to pay the petitioner's difference amount in wages within a time limit that may be stipulated by this Court.

For Petitioner : Mr.A.Rahul

For Respondents : Mr.D.Sivaraman  
Standing Counsel

### O R D E R

The prayer sought for in this writ petition is for a Writ of Mandamus, directing the respondents to reconsider the punishment of increment cut for 3 years with cumulative effect imposed on the petitioner vide the order passed by the 2<sup>nd</sup> respondent in Ref:TNSTC/D5/Chida/012/2010 dated 31.03.2011 based on the judgment of acquittal passed by the Judicial Magistrate No.II, Kumbakonam in C.C.No.305 of 2010 dated 09.05.2016 and consequently direct the respondents to pass orders re-fixing the petitioner's pay and his terminal benefits and further directing the respondents to pay the petitioner's difference amount in wages within a time limit that may be stipulated by this Court.



2. Heard Mr.A.Rahul, learned counsel appearing for the petitioner and Mr.D.Sivaraman, learned standing counsel appearing for the respondents.

3. The petitioner was working as a Driver at the respondent Corporation from 01.08.2007 and his service was confirmed on 24.05.2008. While so, on 09.02.2019, the bus driven by the petitioner met with an accident, with the result, criminal case was registered against him and also disciplinary proceeding was initiated by the respondent department.

4. Pursuant to the conclusion of the disciplinary proceedings, the respondent department inflicted the punishment on the petitioner on 31.03.2011, whereby, the petitioner's increment has been withheld for three years. Subsequently, the criminal case was completed after trial and a judgment was delivered on 09.05.2016, where, the petitioner has been acquitted honourably as the charge made against the petitioner was not proved beyond doubt by the prosecution before the Court of Law.

5. In this regard, the learned counsel appearing for the petitioner would submit that, as per the settlement entered into between the employees and the respondents under Section 12(3) of I.D.Act, as per clause 23, it was agreed upon that when the employee has been departmentally dealt with by inflicting any punishment pursuant to the accident of the vehicle driven by the employee concerned and subsequently, if the Court of law acquitted honourably the employee/driver without being the reason for benefit of doubt, the said punishment given pursuant to the department proceeding against the said employees/drivers would be reconsidered or reviewed by the respondents/employers.

6. By relying upon the said Clause 23 of 12(3) settlement of I.D.Act, the learned counsel appearing for the petitioner would submit that, since the petitioner now has been acquitted by the competent Court, by order dated 09.05.2016, the punishment awarded against the petitioner dated 31.03.2011 has to be reviewed and in this regard, the petitioner has given representation on 07.06.2018 and if the said representation is directed to be considered in the light of the aforesaid facts, the petitioner would be satisfied.

7. I have heard the learned standing counsel appearing for the respondents, who would submit that, the said representation of the petitioner dated 07.06.2018 would be considered by the respondents on merits, by taking into account the judgment rendered by the criminal Court on 09.05.2016 acquitting the petitioner and an order to that effect would be passed, within a time frame.

8. Considering the said submissions made by both sides, by taking into account the facts of the case, this Court is inclined to pass the following order:



"The respondents shall consider the representation of the petitioner dated 07.06.2018 in the light of the judgment of acquittal made by the competent Court on 09.05.2016 in C.C.No.305 of 2010 on the file of the Judicial Magistrate No.2, Kumbakonam and accordingly, review the punishment of cut in increment for three years with cumulative effect imposed on the petitioner by order dated 31.03.2011 by the second respondent and in this regard, order shall be passed by the respondents, within a period of four weeks from the date of receipt of a copy of this order."

9. With the above direction, this writ petition is disposed of. No costs.

Sd/-  
Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar (CS-II)

+1cc to D.Sivaraman, Advocate Sr.No.73560  
+1cc to Mr.A.Rahul, Advocate Sr.No.73560

ARUL

KM/SV/SAR2/12.12.2018/3P/3C

**W.P (MD) No.15486 of 2018**  
**17.07.2018**