

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 27.03.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.30029 of 2005

P. Velusamy

... Petitioner

Vs.

1. Tamil Nadu State Transport
Corporation (Coimbatore) Ltd.,
Rep. by its General Manager,
Mettupalayam Road,
Coimbatore.

2. The Managing Director,
Tamil Nadu State Transport
Corporation (Coimbatore) Ltd.,
Mettupalayam Road,
Coimbatore.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the order passed by the 1st respondent in order No.1/G9/873/TNSTC/2001, dated 10.07.2004, quash the same and consequently, direct the respondent to restore the petitioner pay and increments with all arrears and consequential benefits.

For Petitioner : Mr.V.Ajoy Khose

For Respondents : Mr.P.Kannan Kumar,
Standing Counsel

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O R D E R

This petition has been filed to quash the order passed by the first respondent in order No.1/G9/873/TNSTC/2001, dated 10.07.2004 and consequently, direct the respondent to restore the petitioner's pay and increments with all arrears and consequential benefits.

2. For the alleged misconduct of unauthorised absence of 14 days, the petitioner herein was imposed with two punishments of stoppage of increment for a period of one year with cumulative effect and reduction of his monthly pay from Rs.4385/- to Rs.4235/- with effect from 01.07.2004. Challenging the same the present Writ Petition has been filed.

3. As per clause 15 (iii) of the Certified Standing Orders of the Corporation, the second respondent is entitled to pass any of the punishment of dismissal 'or' loss of pay 'or' fine 'or' stoppage of annual increment 'or' reduction in rank. As such, imposition of two punishments for one misconduct is not permissible. Hence, the petitioner need not undergo two punishments for one misconduct in the absence of any provisions in the Standing Orders.

4. It is seen that the petitioner herein had not challenged the enquiry proceedings but the punishment order alone has been questioned as illegal since he had been imposed with two punishments. It is now brought to the notice of this Court that the petitioner had reached the age of superannuation.

5. Since the imposition of two punishments for one misconduct is impermissible, the punishment order dated 10.07.2004, insofar as it imposes the punishment of reduction of the petitioner's pay from Rs.4385/- to Rs.4235/- with effect from 01.07.2004 is set aside and the punishment of stoppage of increment for a period of one year with cumulative effect is confirmed.

6. With the above observations, the Writ Petition stands partly allowed. The respondents shall forthwith release all the monetary and pensionary dues to the petitioner in view of the present modified order passed, as expeditiously as possible, in any event, within a period of three months from the date of receipt of a copy of this order. No costs.

Sd/-
Assistant Registrar(CS iii)

//True Copy//

Sub Assistant Registrar

pvs

To

1.The General Manager,
Tamil Nadu State Transport
Corporation (Coimbatore) Ltd.,
Mettupalayam Road,
Coimbatore.

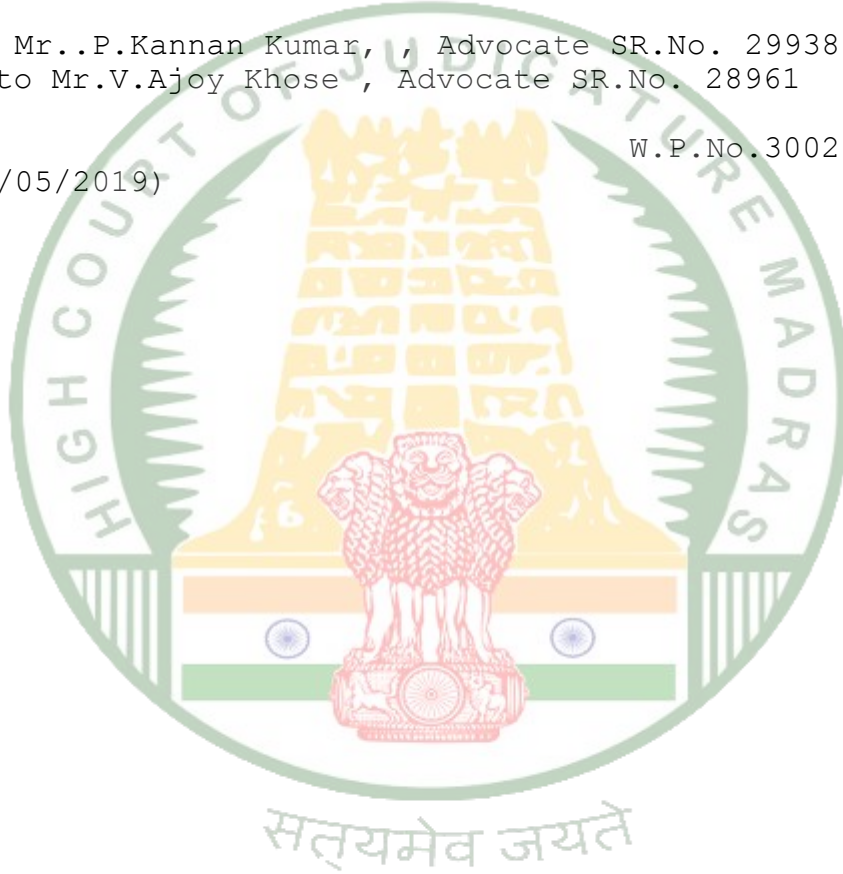
2. The Managing Director,
Tamil Nadu State Transport
Corporation (Coimbatore) Ltd.,
Mettupalayam Road,
Coimbatore.

+1cc to Mr..P.Kannan Kumar, , Advocate SR.No. 29938

+1cc to Mr.V.Ajoy Khose , Advocate SR.No. 28961

W.P.No.30029 of 2005

A.SK(07/05/2019)



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