

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 28.02.2019

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN**W.P(MD)No.17138 of 2018**

M.Balu

... Petitioner

Vs.

1.The Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
Rep. By its Managing Director,
Kumbakonam.

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

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus, directing the respondents to reconsider the punishment of increment cut for two years with cumulative effect imposed on the petitioner vide order passed by the first respondent in Ref: TNSTC/TS/D3/1510/A, dated 15.02.2013 based on the Judgment of acquittal passed by the Judicial Magistrate, Keeranoor in C.C.No.134 of 2011, dated 31.05.2017 and consequently, direct the respondents to pass orders refixing his pay and the petitioner's terminal benefits and further directing the respondents to pay his difference amount in wages.

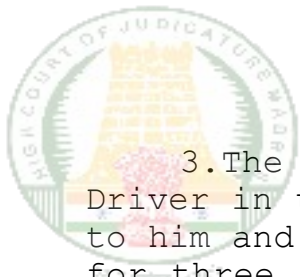
For Petitioner : Mr.A.Rahul

For Respondents : Mr.D.Sivaraman

ORDER

This writ petition has been filed by the petitioner seeking issuance of a writ of Mandamus, to direct the respondents to reconsider the punishment of increment cut for two years with cumulative effect imposed on the petitioner by the first respondent, dated 15.02.2013 based on the Judgment of acquittal passed by the Judicial Magistrate, Keeranoor in C.C.No.134 of 2011, dated 31.05.2017 and consequently, to direct the respondents to refix his pay and to pay terminal benefits and difference amount in wages.

2.Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondents.



3.The case of the petitioner is that while he was working as Driver in the first respondent Corporation, a charge-memo was issued to him and the second respondent imposed punishment of increment cut for three years. On appeal, the first respondent, vide order, dated 15.02.2013, modified the same as two years with cumulative effect. While so, the petitioner was acquitted by Judgment, dated 31.05.2017, by the competent criminal Court. Though the first respondent Corporation entered into a Settlement agreeing to reconsider the punishment, the same has not been considered so far, therefore, the petitioner sent a representation to the respondents on 24.04.2018, which was pending till date. Hence, the petitioner has filed the present Writ Petition.

4.The learned counsel appearing for the respondents submitted that the petitioner's representation will be considered within the time frame fixed by this Court.

5.In such view of the matter, the respondents are directed to consider the representation of the petitioner, dated 24.04.2018 seeking to consider the punishment subsequent to the acquittal granted by the competent criminal Court and pass appropriate orders on merits and in accordance with law, after affording due opportunity of hearing to all the interested parties. Such an exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order.

6.With the above direction, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar(CS)

ps
To

1.The Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
Rep. By its Managing Director,
Kumbakonam.

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



1 CC to M/s.A.RAHUL, Advocate (SR-50865[F] dated 01/03/2019)

+1 CC to M/s.D.SIVARAMAN, Advocate (SR-50800[F] dated 01/03/2019)

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W.P(MD)No.17138 of 2018

28.02.2019

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