



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 10.03.2020**

CORAM:

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P. (MD)No.14369 of 2012

WEB COPY

L.Nesayan

... Petitioner

Vs.

1.The Administrative Director,
Tamil Nadu State Transport Corporation Limited,
Tirunelveli District.

2.The General Manager,
Tamil Nadu State Transport Corporation Limited,
Nagercoil Division,
Kanyakumari District.

... Respondents

(Cause-title amended *suo motu* vide
order dated 08.11.2012)

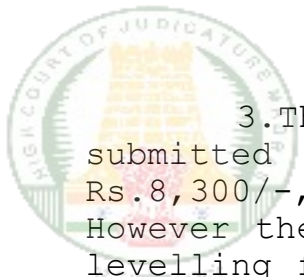
PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorari, to call for the records in connection with the impugned order passed by the second respondent herein in 2938/Legal 14/Discipline/TNSTC/2010 dated 21.10.2011 and in No.2938/Legal 4/TNSTC/2010-2 dated 10.05.2012 and quash the same.

For Petitioner : Mr.D.Christenson Jugunu
For Respondents : Mr.K.Sathya Singh

ORDER

The petitioner has filed the above Writ Petition to issue a Writ of Certiorari, to call for the records in connection with the impugned order passed by the second respondent herein in 2938/Legal 14/Discipline/TNSTC/2010 dated 21.10.2011 and in No.2938/Legal 4/TNSTC/2010-2 dated 10.05.2012 and to quash the same.

2.The learned counsel appearing for the petitioner submitted that the petitioner was working as Conductor in the second respondent Corporation and while he was duty on 12.04.2010, the bus route running between Marthandam and Tiruchendur, two checking Inspectors of the Corporation have inspected the tickets issued to the passengers and at that time, a comment was heard from the bus that even though the Checking Inspectors are in the bus, the bus was not stopped in the bus stop.



3.The learned counsel appearing for the petitioner further submitted that the collection target fixed for the bus was Rs.8,300/-, but the total collection on that day was Rs.10,282/-. However the second respondent issued a charge-memo dated 05.07.2010 levelling four charges. The petitioner has also submitted his reply to the above charges. After receipt of the explanation from the petitioner, the second respondent, having not satisfied with the explanation, has ordered enquiry against the charges levelled against the petitioner. Even though there is no material evidence against the petitioner in the domestic enquiry, the enquiry officer has submitted the report by holding that the charges are proved. Accepting the said report of the Enquiry Officer, the second respondent has imposed a punishment of stoppage of increment for two years with cumulative effect by proceedings dated 21.10.2011.

4.As against the said order of punishment, the petitioner preferred an appeal before the first respondent on 04.12.2012. The first respondent reduced the punishment of stoppage of increment for one year with cumulative effect by proceedings dated 10.05.2012. Even though the punishment was modified from two years to one year, the same was not done by the first respondent in accordance with law. The second respondent, who passed the original order of punishment, has also passed the appeal filed by the petitioner by reducing the stoppage of increment from one year with cumulative effect. Challenging the above said orders, the petitioner has filed the Writ Petition.

5.Since the Writ Petition has been filed in the year 2012, no counter-affidavit has been filed by the respondents.

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

7.It is seen from the records that the petitioner was issued with a charge-memo dated 12.04.2010 and four charges have been levelled against him. The first charge was that on 13.04.2010, in a bus bearing Registration No.TN-74-N-0992 Route No.576, the bus plying from Marthandam to Tiruchendur at 10.10 a.m., was not stopped at Gnaniyar Kudiyiruppu inspite of showing hands by 15 passengers, the second charge was that the petitioner had created bad reputation among the public and caused loss of income to the Corporation, the third charge was that being indiscipline and dereliction of duty and the fourth charge was that the petitioner has violated the Standing Order No.16(14) and the petitioner.

8.From the materials available on record, the enquiry officer, after detailed enquiry, has come to the conclusion that the petitioner has not stopped the bus at Gnaniyar Kudiyiruppu inspite of showing hands by 15 passengers and also created bad reputation among the public and caused loss of income to the Government and held that the charges framed against the petitioner have been proved.



Accepting the said report of the enquiry officer, the second respondent has imposed a punishment of stoppage of increment for two years with cumulative effect by proceedings dated 21.10.2011. Challenging the same, the petitioner preferred an appeal before the first respondent. The first respondent has reduced the punishment of stoppage of increment for one year with cumulative effect by proceedings dated 10.05.2012. Hence, this Court is not inclined to interfere with the same, as it has been clearly established by the Transport Corporation that the petitioner has acted in a callous manner, which needs such punishment.

9. Accordingly, the Writ Petition is dismissed. No costs.

Sd/-

Assistant Registrar (AD-II)

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/ /2020

Sub Assistant Registrar(CS)

Ps

To

1.The Administrative Director,
Tamil Nadu State Transport Corporation Limited,
Tirunelveli District.

2.The General Manager,
Tamil Nadu State Transport Corporation Limited,
Nagercoil Division,
Kanyakumari District.

+1 CC to Mr.D.CHRISTENSON JUGUNU, Advocate (SR-11180[F] dated 11/03/2020)

+1 CC to Mr.K.SATHIYA SINGH, Advocate (SR-11198[F] dated 11/03/2020)

Order made in
W.P. (MD) No.14369 of 2012
Dated:10.03.2020

MK (27.05.2020) 3P 5C