

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.01.2021

CORAM

THE HON'BLE MR.JUSTICE R. SURESH KUMAR

Writ Petition No.20706 of 2012

C.Vinayagam

.. Petitioner

-Vs-

1. The Managing Director
The Tamil Nadu State Transport Corporation
Villupuram Limited, Villupuram.
 2. The General Manager
The Tamil Nadu State Transport Corporation
Rangapuram, Vellore Division, Vellore District.
- .. Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for a Writ of Certiorarified Mandamus calling for the records pertaining Memo No. 140760/S4/TNSTC/2006 dated 13.2.2007 on the file of the 2nd Respondent and quash the Memo dated 13.2.2007 and consequently direct the Respondents to pay the statutory dues to the petitioner.

For Petitioner : M/s.Karan and Uday
For Respondents : Mr.Sathish, Standing Counsel

O R D E R

This writ petition has been filed seeking for a Writ of Certiorarified Mandamus calling for the records pertaining Memo No. 140760/S4/TNSTC/2006 dated 13.2.2007 on the file of the 2nd Respondent and quash the Memo dated 13.2.2007 and consequently direct the Respondents to pay the statutory dues to the petitioner.

2. The petitioner was working as a driver in the respondent Corporation. While he was working, there was a disciplinary proceedings against him, which ended in a punishment by an order dated 13.02.2007, whereby, on the basis of the Enquiry Officer's report, since the charges framed against the petitioner according to the Enquiry Officer were proved, the disciplinary authority had inflicted the punishment on the petitioner for reduction of the pay from Rs.5,500/- to Rs.4,320/- ie., the initial basic pay in the cadre of driver for a period of four years and after completing the said period, his original pay which hitherto he received would be restored.

3. Subsequently, on attaining superannuation the petitioner retired from service on 30.06.2009 peacefully. However, before retirement, on 08.06.2009 and after his retirement, on 16.09.2009, the petitioner had submitted an appeal to the Managing Director of the respondent Transport Corporation being the appellate authority to consider the proportionality of the punishment awarded against the petitioner and accordingly he sought for reduction of the punishment or cancellation of punishment by taking into consideration the family circumstances of the petitioner.

4. Since those appeals by way of representation made by the petitioner were pending and were not decided, the petitioner has filed this writ petition with the aforesaid prayer.

5. Heard the learned counsel for the petitioner and Mr.Sathish, learned Standing Counsel appearing for the respondent Corporation. Learned Standing Counsel for the respondent would submit that, in view of the proven charge only the punishment was given, which was the minimum punishment and that has also been mentioned in the impugned order, as against which though he filed an appeal to the appellate authority ie., the Managing Director of the respondent Corporation, without waiting for any result from the appellate authority, the petitioner has rushed to this Court challenging the very order of punishment dated 13.02.2007.

6. After having gone through the records placed before this Court as well as after hearing the Standing Counsel for the respondents, this Court feels that, instead of going into the veracity and sustainability of the impugned order dated 13.02.2007, a direction can be given to the respondent Corporation ie., the Managing Director, who is the appellate authority before whom already the appeal has been filed by the petitioner on 08.06.2009 and 16.09.2009, to decide the same on merits and in accordance with law. In that view of the matter, this Court is inclined to dispose of this writ petition by passing the following order.

7. That the respondent especially the first respondent is hereby directed to consider the appeal / representation submitted by the petitioner dated 08.06.2009 before his superannuation and also the appeal / representation dated 16.09.2009 ie., after his superannuation, and decide the same on merits and in accordance with law, by taking into account the grounds raised therein especially in the context of the family circumstances of the petitioner and the needful as indicated above, shall be undertaken by the first respondent and final order shall be passed within a period of eight weeks from the

date of receipt of a copy of this order.

8. With the above directions, this writ petition is disposed of. No costs.

-s/d-
Asst.Registrar (CO)

/true copy/
Sub Asst. Registrar

KST

To

1. The Managing Director
The Tamil Nadu State Transport Corporation
Villupuram Limited, Villupuram.
2. The General Manager
The Tamil Nadu State Transport Corporation
Rangapuram, Vellore Division, Vellore District.

+1 cc to M/s.Karan and Uday Advocate sr 1097

+1 cc to Mr.C.S.K.Sathish Advocate sr1003

W.P.No.20706 of 2012

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