



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **04.06.2021**

CORAM:

THE HONOURABLE **MRS.JUSTICE J.NISHA BANU**

W.P. (MD) No.9590 of 2021

and

W.M.P. (MD) No.7343 of 2021

WEB COPY

K.Mohan

... Petitioner

vs.

1.The Managing Director,
Tamilnadu State Transport Corporation
(Kumbakonam) Ltd.,
TNSTC Head Office,
No.27, Railway Station New Road,
Kumbakonam.

2.The General Manager,
Tamilnadu State Transport Corporation
(Kumbakonam) Ltd.,
Karaikudi Region,
Maruthupathi,
Managiri, Karaikudi,
Sivagangai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorari, calling for the records relating to the proceedings of the 1st respondent in Ref.No.TNSTC/TS/T5/29/19 dated 31.12.2020 and quash the same as illegal.

For Petitioner : Mr.S.P.Vijay Nivas

For Respondents : Mr.D.Sivaraman

Standing Counsel

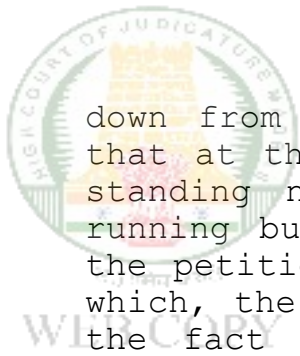
ORDER

Mr.D.Sivaraman, learned Standing Counsel accepts notice on behalf of the respondents.

2.By consent, the Writ Petition is taken up for final disposal at the admission stage itself.

3.Challenging the order passed by the 1st respondent in Ref.No.TNSTC/TS/T5/29/19 dated 31.12.2020, the present writ petition has been filed.

4.The learned counsel appearing for the petitioner would state that on 02.01.2019, when the petitioner was on duty in the transport corporation bus bearing Reg.No.TN 63 N 1283, which was proceeded near Madapuram, an old lady, who was travelling in the bus, fell



down from the bus and sustained injuries. He would further state that at the time of the aforesaid incident, the said old lady was standing near the footboard and attempted to get down from the running bus and thereby, the said accident had occurred. However, the petitioner was issued with a charge memo dated 26.02.2019, for which, the petitioner gave an explanation on 07.08.2019, explaining the fact that it is the duty of the Conductor to prevent the passengers, who are standing near footboard. But the explanation of the petitioner has been rejected.

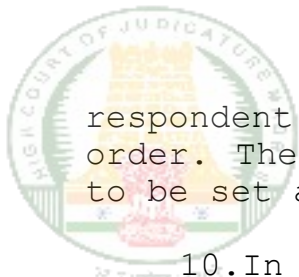
5.The learned counsel would further state that without conducting any enquiry, by proceedings dated 05.09.2019, the 2nd respondent has passed an order, imposing the punishment of stoppage of increment for a period of 6 months with cumulative effect. Challenging the same, the petitioner has preferred an appeal dated 14.10.2019 before the 1st respondent. However, the 1st respondent, by proceedings dated 29.02.2020, has confirmed the order passed by the 2nd respondent dated 05.09.2019. But to the petitioner's shock and surprise, the 1st respondent, by proceedings dated 31.12.2020, has once again passed the very same confirming order, without application of mind, after a period of 10 months from his earlier order. Hence, the present writ petition.

6.The learned counsel would further state that without conducting any enquiry, the 2nd respondent imposed the punishment of stoppage of increment for a period of 6 months with cumulative effect on the petitioner and the 1st respondent without considering any of the contentions raised by the petitioner, has passed the impugned cryptic order confirming the punishment order passed by the 2nd respondent, which reflects non application of mind. Thus, the learned counsel for the petitioner would state that the impugned order is liable to be set aside.

7.The learned Standing Counsel appearing for the respondents would state that considering the gravity of charges, the 2nd respondent has imposed the minor punishment of stoppage of increment on the petitioner for a period of 6 months with cumulative effect and therefore, the 1st respondent has rightly confirmed the said punishment, which does not warrant any interference by this Court.

8.Heard the learned counsel on either side and perused the materials available on record.

9.Perusal of record shows that the 2nd respondent has imposed the punishment of stoppage of increment on the petitioner, without conducting any enquiry. On appeal, the 1st respondent has not adverted to the grounds raised by the petitioner and has simply passed the impugned order in a mechanical manner, confirming the punishment imposed by the 2nd respondent. There is no reason
<https://hccsrecords.gov.in/hccs/1st> respondent to confirm the order passed by the 2nd



respondent. It is well settled that the reason is the soul of the order. Therefore, on the said ground, the impugned order is liable to be set aside.

10. In fine, this Writ Petition stands allowed. The impugned order passed by the 1st respondent in Ref.No.TNSTC/TS/T5/29/19, dated 31.12.2020 is hereby set aside and the matter is remanded back to the 1st respondent to consider the same afresh and pass appropriate orders in accordance with law, within a period of three months from the date of receipt of a copy of this order, after providing due opportunities of personal hearing to the petitioner. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

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(Kumbakonam) Ltd.,
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