



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.06.2021

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P(MD)No.10078 of 2021

P.Ramasamy

... Petitioner

vs.

1.The Managing Director,
Tamil Nadu State Transport Corporation
(Kumbakonam),
Kumbakonam,
Thanjavur District.

2.The General Manager,
Tamil Nadu State Transport Corporation
(Kumbakonam),
Kumbakonam,
Thanjavur District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to direct the respondents to re-consider the order of the second respondent, Order No.ThA.Aa.Po.Ka/Ku.Koo-2/Ti1/1454/98, dated 22.01.1999 by postponing the revision of salary by two years with cumulative effect and subsequent Order No.ThAaPoKa/Kumba/Trichy/Ti5/1089/2008, dated 22.05.2010 by postponing the revision of salary for three years with cumulative effect and to give all service benefits in the cadre of Senior Driver by considering the petitioner's representation, dated 15.04.2021 within the period stipulated by this Court.

For Petitioner : Mr.A.Haja Mohideen

For Respondents : Mr.D.Sivaraman

ORDER

This Writ Petition is filed seeking for a Writ of Mandamus, directing the respondents to re-consider the order of the second respondent, dated 22.01.1999, by postponing the revision of salary by two years with cumulative effect and the subsequent Order, dated 22.05.2010, by postponing the revision of salary for three years with cumulative effect and to give all service benefits in the cadre of Senior Driver, by considering the petitioner's representation, dated 15.04.2021, within a time frame to be fixed by this Court.

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

<https://hcservices.ecourts.gov.in/hcservices/>



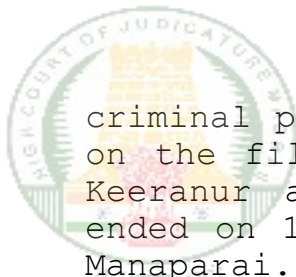
3. According to the petitioner, on 10.03.1995, he was appointed as a Driver in the respondent Branch. Subsequently, he was promoted as a Senior Driver. Further, according to the petitioner, it was alleged that he caused two accidents on 27.07.1998 and 11.02.2008. According to the petitioner, he was not responsible for the accidents. However, Departmental proceedings were initiated against the petitioner. For the accident occurred on 27.07.1998, by impugned order, dated 22.01.1999, the petitioner was imposed with a punishment of stoppage of increment for two years with cumulative effect and for the accident occurred on 11.02.2008, vide order, dated 22.05.2010, he was imposed with a punishment of stoppage of increment for three years with cumulative effect. The petitioner was prosecuted for the above two accidents. He was acquitted in the criminal cases on 30.04.2004 and 15.07.2008 respectively.

4. Further, according to the petitioner, his Advocate did not inform the stage of the cases immediately and only recently, his Advocate informed about the stage of the cases. Hence, the petitioner gave a representation, dated 15.04.2021, to the first respondent to re-consider the order passed by the second respondent, dated 22.01.1999, imposing punishment of stoppage of increment for two years with cumulative effect and another order, dated 22.05.2010, imposing punishment of stoppage of increment for three years with cumulative effect and to pay all the monetary benefits and has filed the present Writ Petition on 11.06.2021.

5. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondents and perused the entire materials available on record.

6. In the affidavit filed in support of the above Writ Petition, it is mentioned that the accident had occurred only in the year 2016. Criminal proceedings and departmental proceedings were initiated for the same and punishments were imposed in departmental proceedings. The petitioner has also stated that after rejection of appeal filed by him, he has filed a Writ Petition and the same is pending. But the petitioner has not mentioned the Writ Petition number. In any event, the above facts are not relevant to the relief sought for in the present Writ Petition.

7. From a reading of the representation, dated 15.04.2021, given by the petitioner to the first respondent, it is seen that two punishments were imposed. By the orders, dated 22.01.1999 and 22.05.2010, a punishment of stoppage of increment for two years with cumulative effect and a punishment of stoppage of increment for three years with cumulative effect were imposed, respectively. The petitioner has not stated that he has challenged the above two



criminal proceedings in C.C.No.352 of 1999 was ended on 30.04.2004, on the file of the District Munsif cum Judicial Magistrate Court, Keeranur and the criminal proceedings in C.C.No.110 of 2008 was ended on 15.07.2008, on the file of the Judicial Magistrate Court, Manaparai.

WEB COPY

8.From the materials available on record, it is seen that the petitioner is seeking re-consideration of the punishment of stoppage of increment for two years with cumulative effect, dated 22.01.1999 and another punishment of stoppage of increment for three years with cumulative effect, dated 22.05.2010. The said punishments have become final, as the petitioner has not challenged the same. The Writ Petition filed by the petitioner for considering his representation, dated 15.04.2021, after 22 years of punishment, dated 22.01.1999 and after 11 years of punishment, dated 22.05.2010, that too to re-consider the punishments imposed in the year 1999 and 2000, is not maintainable. The claim of the petitioner is stale and the petitioner is not entitled to the relief sought for in the Writ Petition. Accordingly, the Writ Petition fails and the same is dismissed. No costs.

Sd/-

Assistant Registrar (CSII)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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.

ps

To

- 1.The Managing Director,
Tamil Nadu State Transport Corporation
(Kumbakonam),
Kumbakonam,
Thanjavur District.



2.The General Manager,
Tamil Nadu State Transport Corporation
(Kumbakonam),
Kumbakonam,
Thanjavur District.

+1 CC to M/s.D.SIVARAMAN, Advocate (SR-19251[F] dated 14/06/2021)

**W.P (MD) No.10078 of 2021
14.06.2021**

GS (24.06.2021) 4P 4C