



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.07.2021

C O R A M

THE HONOURABLE MR.JUSTICE P.D.AUDIKESSAVALU

W. P. (MD) No. 12295 of 2014

WEB COPY

S.Dhanabalan

... Petitioner

Vs.

The Management of Tamil Nadu
State Transport Corporation
(Kumbakonam) Limited,
Trichirapalli Region,
Represented by its
General Manager,
Trichirapalli.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the constitution of India, to issue a writ of Certiorari Mandamus, calling for the records pertaining to the impugned order passed by the respondent in Ref: Tha. Aa. Po. Ka. /Kumba /Trichy /Trichy /D5 / 4932/2011 dated 20.04.2013 in imposing the punishment of increment cut for 3 months without cumulative effect and treating the period of suspension from 29.11.2011 to 12.12.2011 as eligible leave, quash the same and consequently, direct the respondent to refund the amount already recovered from the petitioners salary towards the above punishment and to treat the period of suspension from 29.11.2011 to 12.12.2011 as duty with pay.

For Petitioner	: Mr. A.Rahul
For Respondent	: Mr. D.Sivaraman

O R D E R
(through Video Conference)

Heard Mr. A.Rahul, Learned Counsel for the Petitioner and Mr. D.Sivaraman, Learned Counsel for the Respondent and perused the materials placed on record, apart from the pleadings of the parties.

2. The Petitioner who was working as Driver in the Transport Corporation of the Respondent was inflicted with punishment of increment cut for three months without cumulative effect and the period of suspension from 29.11.2011 to 12.12.2011 was treated as leave by an order in Ref: Tha. Aa. Po. Ka. / Kumba/Trichy/Trichy/D5/4932/2011 dated 20.04.2013 passed by the Respondent. This Writ Petition has been filed challenging the said order.



3. It is accepted by the Learned Counsel for both sides that the Petitioner is entitled to prefer an appeal against the impugned order under Rule 20 of the Tamil Nadu State Transport Corporation Employees Disciplinary and Appeal Rules, before the Managing Director of the Transport Corporation of the Respondent and that the Petitioner may be relegated to avail that alternative remedy. Learned Counsel for the Petitioner states that he would file confirmatory e-mail to that effect, which shall be placed on record. It is made clear that for the purpose of reckoning limitation for preferring such appeal, the period from the date of filing of the Writ Petition, viz., 21.07.2014, till the date on which the certified copy of this order is made ready by the Registry, shall be excluded.

In fine, the Writ Petition is disposed on the aforesaid terms. No costs.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Ns/dm

Note: (i) Issue order copy by 15.09.2021.

(ii) 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

The General Manager,
The Management of Tamil Nadu
State Transport Corporation
(Kumbakonam) Limited,
Trichirapalli Region,
Trichirapalli.

+1 CC to M/s.D.SIVARAMAN, Advocate (SR-23288[F] dated
20/07/2021)

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