



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.12.2021

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

W.P.(MD)No.16032 of 2018

S.Ramamoorthy

..Petitioner

Vs

1. The Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
Represented by its Managing Director,
Kumbakonam.

2. The General Manager,
Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
Kumbakonam Region,
Kumbakonam.

.. Respondents

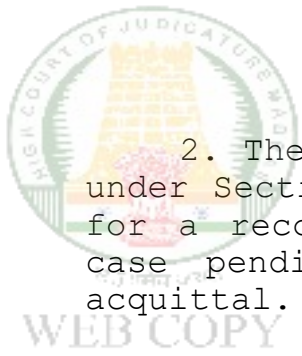
Prayer: Writ Petition filed under Article 226 of the Constitution of India, for the issuance of a writ of mandamus, directing the respondents to reconsider the punishment of increment cut for three years with cumulative effect, imposed on the petitioner vide the order passed by the first respondent in Ref"TNSTC/D10/Tha.Na./002/2009 dated 31.12.2009 based on the judgment of acquittal passed by the Learned Judicial Magistrate No.III, Thanjavur dated 18.11.2014 in C.C.No.58 of 2011 and consequently direct the respondents to pass orders re-fixing his pay and terminal benefits and further directing the respondents to pay the petitioner's difference amount in wages and difference amount in terminal benefits within a time limit that may be stipulated by this court and pass orders.

For Petitioner
For Respondents

: Mr. A.Rahul
: Mr. A.Balaji
for Mr.D.Sivaraman
Standing Counsel

ORDER

This writ petition has been filed by an employee of the Tamil Nadu State Transport Corporation (Kumbakonam) seeking mandamus directing the respondents to reconsider punishment of increment cut for three years with cumulative effect imposed upon the petitioner.



2. The case of the petitioner is that the settlement arrived at under Section 12 (3) of the Industrial Disputes Act, 1947, provided for a reconsideration of the punishment imposed, if the criminal case pending as against the petitioner ended in an honourable acquittal.

3. Before me, Mr.Rahul, appearing for the petitioner and Mr.A.Balaji, learned counsel for Mr.D.Sivaraman, learned Standing counsel appearing for the Transport Corporation are not in agreement as to the nature of the acquittal that has been obtained by the petitioner before the criminal court. Thus, rather than delve into an interpretation of the judgment of the criminal court, to decide as to whether the acquittal was honourable or otherwise, it would suffice to direct the Transport Corporation to dispose the representation of the petitioner dated 26.03.2018, wherein the same request as, made before this Court has been made before the Corporation. Let this exercise be done within a period of eight weeks from today after hearing the petitioner. Disposed as above. No costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

mnr

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

1. The Managing Director,
The Tamil Nadu State Transport
Corporation (Kumbakonam) Ltd.,
Kumbakonam.
2. The General Manager,
Tamil Nadu State Transport
Corporation (Kumbakonam) Ltd.,
Kumbakonam Region,
Kumbakonam.



+1 CC to M/s.D.SIVARAMAN, Advocate (SR-40120[F] dated 23/12/2021)

+1 CC to M/s.A.RAHUL, Advocate (SR-40379[F] dated 23/12/2021)

WEB COPY

W.P. (MD) No.16032 of 2018
22.12.2021

NSN (CO)

KB (17.02.2022) 3P 5C