



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.12.2021

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THE HON'BLE DR.JUSTICE ANITA SUMANTH

W.P. (MD)Nos. 19572 to 19574 of 2018

WEB COPY

K. R. Gunasekaran

...Petitioner in all Wps.

Vs

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

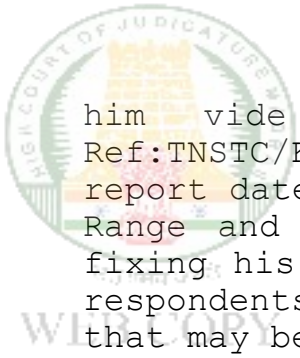
2. The General Manager,
Tamil Nadu State Transport
Corporation (Kumbakonam) Ltd.,
Pudukkottai Region,
Pudukkottai.

... Respondents in all Wps.

Prayer in W.P.(MD)No. 19572 of 2018: 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 6 months with cumulative effect, imposed on the petitioner vide the order passed by the first respondent in Ref"TNSTC/D3/559 dated 03.10.2001 based on the judgment of acquittal passed by the Learned District Munsif cum Judicial Magistrate; Keeranoor in C.C. No. 474/2000 dated 12.06.2003 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 within a time limit that may be stipulated by this court and pass orders.

Prayer in W.P.(MD)No. 19573 of 2018: 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 one year with cumulative effect, imposed on the petitioner vide the order passed by the second respondent in Ref:TNSTC/D3/888 dated 14.05.2004 based on the judgment of acquittal passed by the Learned Judicial Magistrate, Keeranoor in C.C. No. 61/2004 dated 09.07.2009 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 within a time limit that may be stipulated by this court and pass orders.

Prayer in W.P.(MD)No. 19574 of 2018: 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 four years with cumulative effect, imposed on



him vide the order passed by the first respondent in Ref:TNSTC/Kumba/Pudhu/TS/D3/058 dated 28.11.2014 based on the final report dated 31.12.2013 filed by the Inspector of Police, Thirumayam Range and consequently direct the respondents to pass orders re-fixing his pay and his terminal benefits and further directing the respondents to pay him difference amount in wages within a time limit that may be stipulated by this court and pass orders.

For Petitioner : Mr. A. Rahul
For Respondents : Mr. D. Sivaraman
Standing Counsel

COMMON ORDER

These writ petitions have 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 six months with cumulative effect imposed upon the petitioner (W.P.(MD) No.17572 of 2018), punishment of increment cut for one year with cumulative effect (W.P.(MD)No.17573 of 2018) and punishment of increment cut for 4 years with cumulative effect (W.P.(MD) No. 17574 of 2018).

2. The case of the petitioner is that the settlement arrived at qua the parties under Section 12 (3) of the Industrial Disputes Act, 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. Shivaraman, 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 representations of the petitioner dated 16.06.2018, 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 petitioners. Disposed as above. No costs.

Sd/-

Assistant Registrar (CS-I)

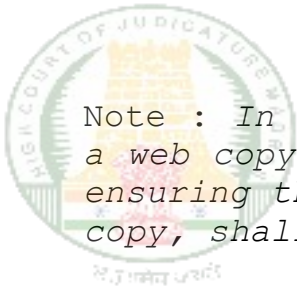
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Sub Assistant Registrar(CS)

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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

WEB COPY

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.,
Pudukkottai Region,
Pudukkottai.

+3 CC to M/s.A.RAHUL, Advocate (SR-38475,SR-38476,SR-38477[F] dated 13/12/2021)

+1 CC to M/s.D.SIVARAMAN, Advocate (SR-38525[F] dated 14/12/2021)

W.P. (MD) Nos. 19572 to 19574 of 2018
13.12.2021

RD(04.02.2022) 3P 7C