



W.A.No.2544 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.11.2022

CORAM

The Hon'ble Mr. Justice **PARESH UPADHYAY**
and

The Hon'ble Mr. Justice **D.BHARATHA CHAKRAVARTHY**

W.A.No.2544 of 2022
and C.M.P.No.20008 of 2022

1.Tamil Nadu State Transport
Corporation (Villupuram) Ltd.,
Rep. By its Managing Director,
Vazhudhareddy,
Villupuram.

2.The General Manager,
Tamil Nadu State Transport
Corporation (Villupuram) Ltd.,
Vellore Region,
Rangapuram,
Vellore.

.. Appellants

VS

N.Pichandi

.. Respondent

Appeal filed under Clause 15 of Letters Patent against the
order dated 19.07.2021 made in W.P.No.25578 of 2008.

For Appellants : Mr.T.Chandrasekaran

For Respondent : Mr.V.Ajoy Khose



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JUDGMENT

(Delivered by PARESH UPADHYAY.,J)

1. Challenge in this appeal is made to the order dated 19.07.2021 recorded on W.P.No.25578 of 2008. This appeal is by the respondents in the writ petition - employer.

2. Learned advocate for the appellants has submitted that, the order passed by learned single Judge, modifying the punishment order is erroneous and the same ought not to have been done in the facts of the case. It is submitted that, this appeal be entertained.

3. Having heard learned advocate for the appellant and having considered the material on record we find that, the punishment order dated 17.09.2008 was challenged by the writ petitioner on various grounds. The said punishment was reduction in the pay scale for a period of five years. The writ petitioner attained the age of superannuation on 31.12.2008 and as a matter of fact has retired as such. Thus, the date on which the order was passed was less for the purpose of reduction of pay more for the purpose of reduction of pension. The writ petitioner was working as



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Conductor. Learned single Judge has, considering the totality of the circumstances substituted the punishment by imposing withholding of increment. On conjoint consideration of the stakes involved in the matter, the status of the writ petitioner and the consequential effect on his pension, we find that, discretion exercised by learned single Judge under Article 226 of the Constitution of India, in the facts of the case, need not be interfered with.

4. For the reasons recorded above, this writ appeal is dismissed. No costs. Connected miscellaneous petition would not survive.

(P.U., J) (D.B.C., J)
22.11.2022

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**PARESH UPADHYAY, J.
and
D.BHARATHA CHAKRAVARTHY, J.**

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