



W.P.(MD)No.3839 of 2020

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.12.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.3839 of 2020

A.Selvaraj

... Petitioner

Vs.

1.The Managing Director
Tamilnadu State Transport Corporation
(Kumbakonam) Ltd.,
Pudukottai Region,
Pudukottai District.

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

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India
praying for issuance of Writ of Mandamus directing the respondents to grant
monetary and promotional benefits to the petitioner by cancelling the



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punishment imposed on the petitioner in the light of the judgement passed in S.T.C.No.273 of 2008, dated 21.05.2018 and C.C.No.230 of 2019 dated 06.02.2019, based on the petitioner's representation, dated 04.06.2019.

For Petitioner : Mr.D.Anbarasu

For Respondents : Mr.P.Balasubramanian
Standing Counsel

ORDER

This Writ Petition has been filed to direct the respondents to grant monetary and promotional benefits to the petitioner by cancelling the punishment imposed on the petitioner in the light of the judgement passed in S.T.C.No.273 of 2008, dated 21.05.2018 and C.C.No.230 of 2019 dated 06.02.2019, based on the petitioner's representation, dated 04.06.2019.

2. The learned counsel for the Petitioner submitted that the petitioner joined as a Driver in the respondent Transport Corporation on 25.03.1992 and his services were regularized on 01.01.1993. He is working



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as a permanent Driver in the respondent Corporation. As per the Rules followed in the Transport Corporation after completing 6 years of service as a Driver, he will be given the designation as a Senior Driver. The next promotion will be only after 11 years and further promotion is only after completion of 20 years. The petitioner was given promotion on completion of 6 years of service alone and the said promotion was given in the year 1999. Thereafter, the next level of promotion will due in the year 2006. However, the petitioner was not given the promotion in the year 2006 on the ground that the petitioner was placed under suspension as he caused an accident on 22.09.2008. The said suspension order was revoked on 22.10.2008. After conducting an enquiry, the respondent Corporation imposed a punishment of stoppage of increment for two years with cumulative effect for the above said incident. Whiles, the petitioner was again placed under suspension on 20.05.2009 on the charge of involvement in an another accident for which, an enquiry was conducted and imposed with punishment of stoppage of increment for 30 months with cumulative effect on 12.10.2015. On the above said accident the petitioner was implicated in a criminal case in S.T.C.No.273 of 2008 on the file of the



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Judicial Magistrate No.I, Pudukottai and after full trial, the Judicial Magistrate No.I, Pudukottai, by judgment, dated 21.05.2018 acquitted the petitioner from all the criminal charges. Likewise, for the another accident took place on 20.05.2009, a criminal case in C.C.No.230 of 2009 was registered on file by the Judicial Magistrate, Aranthangi in C.C.No.230 of 2009 and after full trial, the Judicial Magistrate Aranthangi, by judgment, dated 06.02.2019, acquitted the petitioner from all the charges. However, till date, the petitioner was not promoted to the promotional post. Hence, the present writ petition is filed.

3. The learned counsel for the petitioner submitted that though the petitioner suffered two punishments, however, the criminal case registered on the above said punishment role in two different criminal cases ended in acquittal in favour the petitioner. Even then, the authorities refused to grant promotion to the petitioner is not sustainable one. Hence, this court issued a direction to the respondent to award promotion in terms of acquittal in S.T.C.No.273 of 2008 and C.C.No.230 of 2009.



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4. The learned Standing counsel for the respondents submitted that in respect of first punishment, dated 12.10.2015, the petitioner preferred an appeal before the Managing Director and the said punishment was reduced to one year and similarly, in respect of the other punishment also the petitioner preferred an appeal before the Managing Director, in which the punishment was reduced from three years to 30 months. However, the petitioner who suffered two punishments, is not entitled for promotion to the next level and MCOP claims are also pending against the petitioner and the MCOP Tribunal has awarded Rs.40 lakhs amount and there was a huge loss to the Transport Corporation. When the petitioner suffered a punishment and during the currency of punishment, the petitioner is not entitled for consideration of promotion and after currency of punishment period is over, the respondent corporation shall consider the petitioner's promotion. However, the periodical review meeting is conducted for granting monetary benefits to the petitioner. During the periodical meeting, the petitioner's claim for monetary benefit will be considered.



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5. In view of the same, the respondent is directed to consider the petitioner's candidature in the next review meeting for granting monetary benefits of the petitioner.

6. With the above directions, this writ petition is disposed of. No costs.

06.12.2022

Index : Yes / No
Internet : Yes / No
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M.DHANDAPANI,J.

RM

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