



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.06.2022

CORAM

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P. (MD) .No.10435 of 2019

and

W.M.P. (MD) .Nos.8022 and 8023 of 2019

K.Selvamoni

... Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Transport Corporation (Tirunelveli) Limited,
Tirunelveli.

2.The General Manager,
Tamil Nadu State Transport Corporation (Tirunelveli) Limited,
Ranithottam,
Nagercoil - 629 001,
Kanyakumari District.

...Respondents

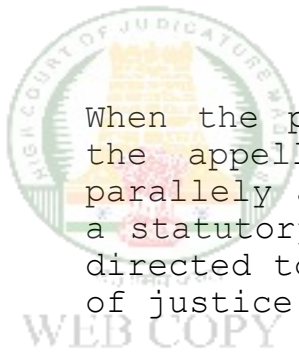
Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records passed in No.6126/legal-11/Olungu/ tha na a po ka/2016 dated 19.11.2017 and the consequential impugned order of recovery in memorandum No.2599/sa pa pi 7/ tha a po ka (tili)/ 2004 dated 08.04.2019 passed by the second respondent herein and quash the same.

For Petitioner	:	Mr.K.Vamanan
For Respondents	:	Mr.K.Sathiya Singh, Standing Counsel.

ORDER

Based on the charge memo that the petitioner had involved in a fatal accident, he was subjected to departmental action. On the strength of the proven charges, the punishment of stoppage of increment for a period of two years with cumulative effect was imposed through the impugned order dated 19.11.2017. As against the order of punishment, the petitioner herein had preferred an appeal on 12.02.2018 to the first respondent herein, which is said to be pending.

2. In the present Writ Petition, the petitioner has challenged the order of punishment imposed by the second respondent herein.



When the petitioner herein had already preferred an appeal before the appellate authority, this Court will not be justified in parallelly adjudicating the matter when the appeal is pending before a statutory authority. Nevertheless, if the appellate authority is directed to dispose of the appeal within a stipulated time, the ends of justice could be secured.

3. At this juncture, learned counsel for the petitioner submitted that pursuant to the impugned order of punishment, the second respondent herein had issued a consequential order of recovery dated 08.04.2019. Since this Court intends to direct the statutory authority to dispose of the appeal, it would not be appropriate to permit the second respondent herein to proceed with the recovery order.

4. In this background, the impugned order of recovery dated 08.04.2019 is set aside. Consequently, there shall be a direction to the first respondent herein to dispose of the petitioner's appeal dated 12.02.2018 within a period of three (3) months from the date of receipt of a copy of this order. In case the respondents are of the view that pursuant to the disposal of the appeal, they are entitled for issuing an order of recovery, liberty is hereby granted to them in this regard.

5. The Writ Petition stands ordered accordingly. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (A.D.II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Lm

TO:

The Managing Director,
Tamil Nadu State Transport Corporation (Tirunelveli) Limited,
Tirunelveli.

+1 CC to M/s.K.SATHIYA SINGH, Advocate (SR-24635[F] dated
08/06/2022)

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RD(16.06.2022) 2P 3C