



W.P.(MD)No.9679 of 2019

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**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED: 06.12.2022**

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

**W.P.(MD)No. 9670 of 2019**

Rajaguru

... Petitioner

Vs.

1. The Managing Director,  
Tamil Nadu State Transport Corporation (Madurai ) Limited,  
Byepass Road, Madurai-16.

2. The General Manager,  
Tamil Nadu State Transport Corporation (Madurai ) Limited,  
Dindigul Region, Dindigul – 4. .... Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India for issuance of *Writ of Mandamus*, directing the respondents to revise, Review and drop the punishment of 2 years increment cut with cumulative effect confirmed by the 1<sup>st</sup> respondent dated 22.04.2017 consequently refund the wages for the suspension period from 30.04.2013 to 29.05.2013 for 30 days and also to settle the consequential benefits in terms of Clause 61 of 12(3) Settlement dated 30.09.1992 and in view of the Judicial Magistrate Court, Uthamapalayam in C.C.No.387 of 2013 dated 08.10.2018.



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For Petitioner : Mr.S.Govindan

For Respondents : Mr.J.Senthil Kumaraiah,  
Standing Counsel

**ORDER**

This Writ Petition has been filed seeking direction to the respondents to revise, review and drop the punishment of 2 years increment cut with cumulative effect, confirmed by the 1<sup>st</sup> respondent, dated 22.04.2017 and also sought for a consequential direction to refund the wages for the suspension period from 30.04.2013 to 29.05.2013 for 30 days and also to settle the consequential benefits, in terms of Clause 61 of 12(3) Settlement, dated 30.09.1992, in view of the Judicial Magistrate Court, Uthamapalayam in C.C.No.387 of 2013 dated 08.10.2018.

2. Heard Mr.S.Govindan, learned counsel appearing for the petitioner and Mr.J.Senthil Kumaraiah, learned standing counsel appearing for the respondents.



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3. The contention of the petitioner is that, he had acquitted from the criminal proceedings and hence, the punishment imposed on the petitioner ought to be set aside and consequently, the petitioner is entitled for service and monetary benefits and attendant benefits.

4. Admittedly, the petitioner has filed an appeal before the 1<sup>st</sup> respondent and the same is pending. In the meanwhile, the petitioner has filed this Writ Petition.

5. Based on the facts and circumstances of the case, this Court issues direction to the 1<sup>st</sup> respondent to consider the appeal in the light of the 12(3) settlement, dated 30.09.1992.

6. The learned counsel appearing for the petitioner raised an objection that the 1<sup>st</sup> respondent will not implement the 12(3) settlement, in letter and spirit.



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7. In several cases, the 1<sup>st</sup> respondent has granted relief only for six months and they will not grant relief for 1 ½ years. The said cringed relief cannot be granted.

8. Accordingly, this Court issues direction to the 1<sup>st</sup> respondent to implement 12(3) settlement in letter and spirit.

9. With the above observation, this Writ Petition is disposed of. No Costs.

Index : Yes / No  
Internet : Yes  
ksa

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**S.SRIMATHY, J**

**ksa**

**Order made in  
W.P.(MD)No.9670 of 2019**

**06.12.2022**