



W.P.(MD)No.5608 of 2018

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.12.2022

CORAM

THE HON'BLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)No.5608 of 2018

and

W.M.P.(MD)Nos.5515 & 5516 of 2018

D.Subbaraj

... Petitioner

Vs.

1. The Secretary to Government,
Transport Department,
Fort St.George,
Chennai – 9.

2. The Managing Director,
Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
New Railway Feeder Road,
Kumbakonam.

3. The Managing Director,
State Express Transport Corporation,
(TN) Limited,
Pallavan Salai,
Chennai – 600 002.

... Respondents



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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 relating to impugned charge memo proceedings issued in Ref.No. 53816/DL6/SETC/TN/2012 dated 05.02.2013 issued by the third respondent in 53816/DL6/SETC/TN/2012 dated 23.06.2017 and the proceedings of the second respondent in Tha.A.Po.Ka/Kumba/Thiru/Pen/80/2018 dated 14.02.2018 and quash the same.

For Petitioner	: Mr.K.S.Muthu
For R1	: Mr.R.Suresh Kumar Additional Government Pleader
For R2	: Mr.D.Sivaraman
For R3	: Mr.K.Sathiyasingh

ORDER

This writ petition is filed challenging the punishment order.

2. The petitioner was appointed as a Graduate Engineering Trainee and he was eligible to the post of Manager. Subsequently, the petitioner attained superannuation on 30.11.2011. After retirement, the respondents have initiated disciplinary proceedings which has ended up in imposing the punishment of stoppage of increment for one year with cumulative effect. Since the petitioner has attained superannuation, the punishment was modified as recovery from the pensionary benefits. The



W.P.(MD)No.5608 of 2018

Service Rules of the respondent Board has not empowered the respondent to initiate action after the retirement of the employee.

However, the said Rules was amended in the year 2017. Since the amended rule cannot be applicable retrospectively in the present case, the entire proceedings have been initiated without jurisdiction.

3. Therefore, this Court is inclined to interfere in the punishment, since it has been passed without jurisdiction. The impugned order is quashed and the consequential benefits shall be granted to the petitioner. The said exercise shall be completed within a period of eight (8) weeks from the receipt of a copy of this order.

4. With the above said direction, this Writ Petition is allowed.
No costs. Consequently, connected miscellaneous petitions are closed.

07.12.2022

Index : Yes / No
Internet : Yes / No
jbr

3/5



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S.SRIMATHY, J

jbr

Order made in
W.P.(MD)No.5608 of 2018

07.12.2022