



W.P(MD)No.20629 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.10.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.20629 of 2022

and

W.M.P(MD)No.14955 of 2022

R.Sirumbanan

... Petitioner

Vs

The General Manager,
Tamil Nadu State Transport
Corporation (Mumbakonam) Limited,
Karur Region,
Karur District.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for the records pertaining to the impugned order of the respondent in Ref.TNSTC /KRR/DS-1282/M1BO13/D1-7914/2022 dated 11.08.2022 quash the same.

For Petitioner : Mr.A.Rahul
for Mr.G.M.Xavier

For Respondent : Mr.K.Jagadees Balan
Standing Counsel



W.P(MD)No.20629 of 2022

WEB COPY

ORDER

Heard the learned counsel on either side.

2. The writ petitioner is working as Special Grade Driver in the respondent Corporation. He joined service as early as on 25.07.1997. The petitioner is an office bearer of CITU Union working for the employees of the respondent Corporation. He claims to be the Secretary of the Joint Action Committee also. On that capacity, he had sent a complaint to the Special Cell of the Hon'ble Chief Minister. It is the practice of the Special Cell of the Hon'ble Chief Minister to forward any complaint received from any quarter to the concerned Department. Thus, the complaint of the writ petitioner landed before the respondent. The respondent took the stand that the petitioner had misdescribed himself and that he had also made false allegations against the Management. An enquiry was conducted and the punishment of reduction in pay by two stages was imposed on him by the impugned order dated 11.08.2022. Challenging the same, the writ petition came to be filed.

3. The respondents have filed a detailed counter affidavit and the learned Standing Counsel took me through its contents. The learned Standing Counsel would contend that the impugned order does not call for interference.



W.P(MD)No.20629 of 2022

4. I carefully considered the rival contentions and went through the materials on record.

5. The learned counsel appearing for the petitioner has enclosed the certified Standing Orders. Clause 25 sets out the punishments that can be given for misconduct committed by the employees. As many as nine different kinds of punishments have been catalogued in the said Clause; they vary from Censure to dismissal from service. The punishment of reduction in pay by two stages is not one of the punishments set out in the certified standing orders.

6. The learned counsel appearing for the petitioner places reliance on the decision of the Hon'ble Supreme Court in the case of *Vijay Singh Vs. State of Uttar Pradesh & Others* reported in (2012) 5 SCC 242 wherein it was held that what has not been prescribed under the statutory rules cannot be imposed. The same principle will very much apply to the case on hand also. The writ petitioner could not have been visited with a punishment that has not been prescribed or stipulated in the certified Standing Orders.

7. That apart, in my view, sending a petition to the Special Cell of the Hon'ble Chief Minister cannot be said to constitute an act of misconduct. Looked at from any angle, the impugned order is unsustainable. It is quashed.



W.P(MD)No.20629 of 2022

This writ petition is allowed. Consequently, connected miscellaneous petition is closed. No costs.

11.10.2022

Index : Yes / No

Internet : Yes/ No

mga

To

The General Manager,
Tamil Nadu State Transport
Corporation (Mumbakonam) Limited,
Karur Region,
Karur District.



WEB COPY



W.P.(MD)No.20629 of 2022

G.R.SWAMINATHAN, J.

mga

W.P.(MD)No.20629 of 2022

11.10.2022