



W.P.(MD)No.16283 of 2015

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.09.2022

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THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)No.16283 of 2015

and

M.P.(MD)Nos.1 and 2 of 2015

V.Sivalingam

... Petitioner

vs.

1.The Managing Director,
Tamil Nadu State Transport Corporation,
Kumbakonam Division,
Karaikudi, Sivagangai District.

2.The General Manager,
Tamil Nadu State Transport Corporation,
Kumbakonam Division,
Karaikudi, Sivagangai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records in connection with the impugned orders passed by the 2nd respondent in TNSTC/TS/D2/131, dated 11.08.2011 and TNSTC/TS/D2/57, dated 04.10.2011 and the consequential impugned order passed by the 1st respondent in TNSTC/TS/D2/510, dated 30.10.2014, to quash the all and consequently, to direct the respondents 1 and 2 to



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regularize the suspension period of the petitioner from 08.12.2009 to 21.12.2009 and 03.02.2011 to 04.02.2011 and to confer all monetary benefits for the above said period.

For Petitioner : No appearance
For Respondents : Mr.D.Sivaraman

ORDER

This writ petition is filed for issuance of a writ of Certiorarified Mandamus, to quash the impugned orders passed by the 2nd respondent, dated 11.08.2011 and 04.10.2011 and the consequential impugned order passed by the 1st respondent, dated 30.10.2014 and consequently, to direct the respondents 1 and 2 to regularize the suspension period of the petitioner from 08.12.2009 to 21.12.2009 and 03.02.2011 to 04.02.2011 and to confer all monetary benefits for the above said period.

2. The brief facts as stated in the affidavit are that the petitioner was working as Driver in the respondent Corporation. A charge memo, dated 05.12.2009, was issued containing four vague charges and the petitioner was immediately suspended from service, vide order, dated 05.12.2009. The charges



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against the petitioner are that on 22.11.2009, while he was driving the bus, he had chosen the route of bypass road without entering the Keeranur bus stand, thereby, he has caused financial loss and because of his irresponsible attitude, he has caused damage to the name of the Corporation. The said charge memo has ended up in punishment by way of stoppage of increment for a period of 6 months without cumulative effect. Thereafter, a second charge memo was issued. The petitioner was suspended from service from 03.02.2011 to 04.02.2011 for the charge memo, dated 11.01.2011.

3. The contention of the petitioner is that the suspension period ought to have been regularized after the completion of the disciplinary proceedings. In the present case, the respondents have regularized the suspension period as leave period. Aggrieved over the same, the present writ petition is filed.

4. The contention of the respondents is that the petitioner ought not to have preferred the writ petition and the petitioner is having an alternative remedy to raise an industrial dispute. Moreover, the learned Counsel for the respondents



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period ought to have been regularized as duty period, since the impugned suspension itself is illegal, the charges against the petitioner is absolutely trivial and there is no necessity of any suspension order. The suspension order would be passed only if there are any grounds that it would affect the public at large. In this case, the charges are so trivial as stated supra and there is no necessity for passing such suspension order. This Court is convinced with the plea put forth by the petitioner.

9. Therefore, the impugned suspension order and regularizing the suspension order through the impugned orders as leave period is liable to be interfered. The impugned orders, dated 11.08.2011, 04.10.2011 and dated 30.10.2014 are set aside and the writ petition is allowed. The respondents are directed regularize the suspension period as duty period and the consequently, the respondents are directed to grant the monetary benefits that is applicable to such period.

10. With the above said direction, the writ petition is allowed. No costs.



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Consequently, connected miscellaneous petitions are closed.

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Internet : Yes

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Note:

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate/litigant concerned.

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