



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 23.02.2022
CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

WEB COPY

W.P. (MD) .No.3234 of 2015

Palanichamy

... Petitioner

Vs.

The General Manager,
Tamil Nadu State Transport
Corporation (Kumbakonam) Limited,
Trichy Region,
Periamilaguparai,
Trichy.

... Respondent

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 pertaining to the impugned order passed by the second respondent in his office proceedings in Tha.Aa.Po.Ka/Kumba/Trichy/D1/2811/2011 dated 12.10.2011, quash the same.

For Petitioner	:	Mr.A.Rahul
For Respondent	:	Mr.D.Sivaraman, Standing Counsel.

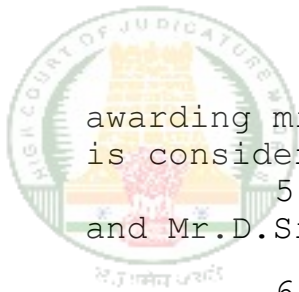
ORDER

This Writ Petition has been filed to quash the impugned order dated 12.10.2011.

2. The brief facts of the case are that the petitioner joined the service on 24.04.2009. On 09.08.2011, a charge memo was issued alleging that on 13.07.2011, while he was in service, he did not stop to pick up four passengers, thereby, caused financial loss of Rs.16 to the Corporation. The petitioner submitted his explanation but the second respondent without conducting any enquiry imposed the punishment of stoppage of increment for three months with cumulative effect and the suspension period from 22.08.2011 to 26.08.2011 was held as eligible leave period.

3. The petitioner contended since the punishment of stoppage of increment for three months with cumulative effect is considered as major punishment and the enquiry ought to be conducted, an opportunity ought to be granted to the petitioner.

4. The respondents had filed counter stating that as per the standing order clause 26(VI) (b) enquiry is not necessary for



awarding minor punishment and stoppage of increment for three months is considered as minor punishment.

5. Heard Mr.A.Rahul, learned counsel for the petitioner and Mr.D.Sivaraman, learned Standing Counsel for the respondent.

6. The contention of the petitioner is since it is affecting his civil rights, the punishment with cumulative effect is affecting the rights of the petitioner and contended enquiry ought to have been conducted. The learned counsel for the respondents circulated the judgment rendered by this Court in W.P.(MD).No.9391 of 2015. This Court has remitted back the matter for fresh consideration to conduct an enquiry after giving an opportunity to the petitioner. In the present case, it is submitted that the petitioner was issued with another charge memo where the domestic enquiry ended up in dismissal from service and the dismissing order is pending for approval before the appropriate authority.

7. On perusing the papers and after hearing the submissions of the both sides, this Court is of the considered opinion that remitting back for fresh consideration will not serve the purpose, since as on date the petitioner is not in service. Therefore, this Court is inclined to modify the punishment as stoppage of increment for three months without cumulative effect. Thus, the impugned order is modified to this effect.

8. With the above said modification, this Writ Petition is disposed of. There shall be no order as to costs.

Sd/-

Assistant Registrar (A.D.I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

To

The General Manager,
Tamil Nadu State Transport
Corporation (Kumbakonam) Limited,
Trichy Region, Periamilaguparai, Trichy.

+1 cc to Mr.A.RAHUL, Advocate, SR.No.8859

+1 cc to Mr.D.SIVARAMAN, Advocate, SR.No.8210

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