



W.P.No.3080 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.01.2023

CORAM:

**THE HONOURABLE MR.JUSTICE M.S.RAMESH**

**W.P.No.3080 of 2019**

A.Arumugam

...Petitioner

-Vs-

1.The Managing Director,  
Tamil Nadu State Transport  
Corporation Ltd.,  
No.12, Ramakrishna Road,  
Salem - 7.

2.The General Manager,  
Tamil Nadu State Transport  
Corporation Ltd.,  
No.12, Ramakrishna Road,  
Salem - 7.

3.The Branch Manager,  
Tamil Nadu State Transport  
Corporation Ltd.,  
Mettur Branch, Mettur Dam,  
Salem District.

...Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned punishment order passed by the 2<sup>nd</sup> respondent dated



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10.07.2015 vide Ko.No.211/2222/T6/TNSTC/2013 and quash the same, consequently direct respondents to provide all increments and other service and monetary benefits on par with others.

For Petitioner : Mr.M.R.Jothimanian

For Respondents : Mr.R.Babu

### **ORDER**

Heard Mr.M.R.Jothimanian, learned counsel for the petitioner and Mr.R.Babu, learned counsel for the respondents.

2. The petitioner, while serving as a Conductor in the respondent Corporation, was levelled with a charge that he was implicated in a criminal case in Crime No.522 of 2013, through a charge memo dated 30.05.2013. Pursuant to the charge memo, the second respondent herein had imposed a punishment of stoppage of increment for a period of two years with cumulative effect, through the impugned order dated 10.07.2015.

3. Pending the writ petition, the criminal case levelled against the petitioner ended in a judgement of acquittal on 29.11.2021.



4. The impugned order of punishment is liable to be set aside predominantly on two grounds. First of all, in service jurisprudence, when a permanent employee is sought to be proceeded with a departmental action, a domestic enquiry requires to be conducted by giving due opportunities to the delinquent officer and thereafter, a final decision needs to be taken. Admittedly, no departmental enquiry was conducted, after the charges were framed against the petitioner and hence, the consequential punishment imposed by the second respondent, cannot be sustained.

5. Secondly, the only charge against the petitioner herein is for his involvement in a criminal case in Crime No.522 of 2013. Now that the criminal case has ended in a judgement of acquittal, the charge itself becomes baseless. The charge against the petitioner was not for the over tacts attributed to him in the criminal offence, but a mere charge of his involvement in the criminal case. In view of his acquittal, the impugned order of punishment also requires to be set aside.

6. For all the foregoing reasons, the impugned order dated 10.07.2015 is quashed. Consequently, there shall be a direction to the respondents herein



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to pass appropriate orders, disbursing all the service and monetary benefits that may have been deprived to him, owing to the impugned order dated 10.07.2015. Such orders shall be passed by the second respondent, within a period of four weeks from the date of receipt of a copy of this order. Accordingly, the writ petition stands thus allowed. No costs.

**06.01.2023**

Index:Yes/No  
Internet:Yes/No  
Speaking order/Non-speaking order  
hvk



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To  
WEB COPY

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**M.S.RAMESH,J.**

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