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W.P.No.24591 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.07.2023

CORAM

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

**W.P.No.24591 of 2013**

N.Natarajan

... Petitioner

-Vs-

1. The Managing Director,  
Tamil Nadu State Transport Corporation,  
(Salem Division) Ltd.,  
Salem-7.

2. The General Manager,  
Tamil Nadu State Transport Corporation,  
(Salem Division 1) Ltd.  
Salem-7.

... Respondents

**Prayer:-** Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Certiorarified Mandamus, calling for the records connected with the orders of the second respondent passed in Proc.No.66-4382-D3-TNSTC-2009 dated 17.05.2010, quash the same and also direct the respondents to grant all the service benefits including service review and other attendant monetary benefits for which the petitioner is legitimately entitled to.

For Petitioner : M/s S.Girija  
For Respondents : Mr.R.Babu



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### **ORDER**

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This Writ Petition has been filed challenging the order passed by the second respondent passed in Proc.No.66-4382-D3-TNSTC-2009 dated 17.05.2010, thereby ordered for stoppage of increment for a period of one year with cumulative effect.

2. Heard the learned counsel for the petitioner and the learned counsel for the respondents and perused the materials available on record.

3. The petitioner had joined as a Driver in the respondent corporation, on 16.07.1986. When he was in service, the petitioner was served with charge memo dated 25.02.2009 on the following charges:-

*“ (i) On 31.01.2009, the petitioner behaved in an undignified and disrespectful manner against the officials of the Controlling Unit.*

*(ii) Acted without duty conscious and in irresponsible manner.*

*(iii) Impairment of peaceful industrial relations among the labourers.”*

4. On receipt of the same, the petitioner submitted his reply and the same was not satisfied by the respondents Corporation. Therefore, a domestic enquiry was ordered and the petitioner had also participated in the enquiry. In the domestic enquiry, all the charges were proved and as such the petitioner was



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issued second show cause notice. On receipt of the same, the petitioner replied by the explanation dated 25.03.2010. Without satisfying the same, the second respondent ordered punishment of stoppage of increment for one year with cumulative effect.

5. The learned counsel for the petitioner would submit that the petitioner was deprived of Full Duty Batta Allowance during the months of January, February, September, October in the year 2007 and for the months of May, October and December in the year 2008. Therefore, the petitioner repeatedly made representations before the second respondent for his claim. However, the same were not considered and as such false charges have been framed as against the petitioner, as if he had misbehaved with the superior officers in an undignified and disrespectful manner. She further submitted that the petitioner was not served with the enquiry report at the time of issuance of show cause notice, after completion of enquiry. However, on receipt of the show cause notice, the petitioner had replied by the explanation dated 25.03.2010.

6. A perusal of the explanation dated 25.03.2010 does not reveal that the petitioner was not served with the enquiry report. The contention raised by the learned counsel for the petitioner is not substantiated with the material



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evidence. That apart, the petitioner also made a representation before the second respondent as against the order of punishment and the same was also rejected by the respondents by an order dated 30.11.2011.

7. In view of the above, this Court finds no infirmity or illegality in the orders passed by the second respondent and this writ petition is devoid of merits and is liable to be dismissed.

8. Accordingly, this writ petition stands dismissed. No costs.

17.07.2023

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

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**G.K.ILANTHIRAIYAN, J.**

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