



WEB COPY



WP.No.4714 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.08.2023

CORAM

THE HON'BLE Mr. JUSTICE **G.K.ILANTHIRAIYAN**

W.P. No.4714 of 2015

M. Jothi

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Petitioner

Vs

1. The Managing Director,  
Tamil Nadu State Transport  
Corporation (Villupuram) Ltd.,  
3/137, Salamedu,  
Vazuthareddy P.O.  
Villupuram – 605 602.

2. The General Manager,  
Tamil Nadu State Transport  
Corporation (Villupuram) Ltd.,  
Kanchipuram Region,  
Kanchipuram – 631 501.

3. The Administrator,  
Tamil Nadu State Transport  
Corporation Employees Pension Fund Trust,  
Thiruvelluvar Illam,  
Pallavan Salai, Chennai – 600 002.

....

Respondents

**Prayer:** Writ Petition is 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 order No.54/2054/ sa 11/TNSTC (VPM)-Rgn/2014, dated 25.03.2014 of the 2<sup>nd</sup> respondent quash the



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order dated 25.03.2014 and consequently to direct the 2<sup>nd</sup> respondent to restore the basic pay Rs.8195/- + Grade Pay Rs.1,800/-, consequently to direct the 3<sup>rd</sup> respondent to revise the pension to the petitioner.

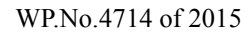
For Petitioner : Mr.S.T.Varadarajulu  
For Respondents : Mr.M.Ashwin  
Standing Counsel

### **ORDER**

This writ petition has been filed challenging the impugned order No.54/2054/ sa 11/TNSTC (VPM)-Rgn/2014, dated 25.03.2014 passed by the second respondent, thereby imposed punishment by reduction of one stage from his salary.

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

3. While the petitioner was working as Conductor, he was affected by severe diabetic and as such he had sent a letter along with medical certificate to avail leave for the period from 25.06.2013 to 23.01.2014. However, it was not considered and the petitioner was issued with charge memo. Without being satisfied with the explanation submitted by the petitioner, a domestic enquiry was ordered and an



4. The learned counsel appearing for the petitioner would submit that at Page No.81 of Common Service Rules, Clause No.14, when an employee is reduced to a lower post or grade or lower time scale or to a lower stage in his time scale, the authority ordering such reduction shall state whether it will be permanent or it will be effective for a specified period only. In later case, the authority should state whether on the date of reduction, it shall so operate as to postpone future increments or to operate on seniority and if so, to what extent. Further, the reduction to a lower stage in a time scale is not permissible for any unspecified period unless it is a permanent measure.

5. Admittedly, the order of punishment does not speak about



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either the restoration period or to what extent the punishment will operate. Therefore, it is contrary to the above Rule. On the sole ground, the order of punishment is set aside and the matter is remanded back to the second respondent for passing fresh order. It is made clear that the second respondent is directed to pass order in accordance with the Common Service Rules, Clause No.14, within a period of four weeks from the date of receipt of a copy of this order. The petitioner is entitled for all benefits subject to the order passed by the second respondent.

6. In the result, this Writ Petition stands allowed. There shall be no order as to costs.

09.08.2023

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Index: Yes/No  
Internet: Yes/No  
To

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



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