



W.P.No.11698 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.02.2023

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.11698 of 2017
and W.M.P.No.12720 of 2017

S. Karthikeyan

... Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Transport Corporation
(Coimbatore) Ltd.,
37 Mettupalayam Road,
Coimbatore – 641 043.

2.The General Manager,
Tamil Nadu State Transport Corporation,
Tiruppur Region, (Coimbatore) Division,
Coimbatore.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari, calling for the records connected with the order of increment cut for three months without cumulative effect in order dated 28.01.2017 of the second respondent passed in his proceedings No.1/G10/106/TNSTC/2016 quash the same.

For Petitioner : M/s.S. Girija

For Respondents : Mr.A. Sundaravadhanam



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ORDER

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Admittedly, the punishment of stoppage of increment for the period of three months without cumulative effect dated 28.01.2017, has been passed without conducting any departmental inquiry against the petitioner herein.

2. It is a settled proposition of law that when any misconduct is alleged against an employee of the Corporation and the Management intends to impose any punishment, the same should be preceded by extending the principles of natural justice and by also adhering to the principles of *Audi alteram partem*.

3. In the instant case, a Charge Memo dated 01.02.2016 was issued to the petitioner alleging that he did not report for duty in the bus in time, owing to which, the bus was operated late, thereby incurring loss to the Corporation. To the Charge Memo, the petitioner submitted an explanation. Thereafter, without conducting an inquiry, another show cause notice was issued on 14.12.2016, proposing the punishment of stoppage of increment



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for the period of six months with cumulative effect. The petitioner had given his explanation on 14.01.2017 to the second show cause notice. On consideration of the explanation, the impugned punishment of stoppage of increment for three months without cumulative effect was passed on 28.01.2017.

4. When it is admitted that between the order of punishment and the show cause notice, there was no inquiry conducted, the consequential punishment itself cannot be sustained on the ground that it is a violation of principles of natural justice, as well as the principles of *Audi alteram partem*.

5. In the light of the above findings, the impugned order dated 28.01.2017 passed by the second respondent, is hereby quashed. Consequently, there shall be a direction to the respondents/Corporation to forthwith disburse all the service and monetary benefits that might have been deprived to the petitioner herein, owing to the impugned order of punishment, within a period of four (4) weeks from the date of receipt of a copy of this order.



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M.S.RAMESH,J.

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6. Accordingly, the Writ Petition stands allowed. No costs.

Connected miscellaneous petition is closed.

08.02.2023

Speaking/Non-speaking Order

Neutral Citation: Yes/No

Index: Yes/No

Internet: Yes/No

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To

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