



W.P(MD)No.6523 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 06.06.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.6523 of 2023

and

W.M.P.(MD)No.6179 of 2023

Elangovan

... Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
New Railway Station Road,
Kumbakonam.

2.The General Manager,
Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
Karaikudi Region, Karaikudi.

3.The Administrator,
Tamil Nadu State Transport Corporation,
Employees Pension Fund Trust,
Thiruvalluvar House, Pallavan Salai,
Chennai-600 002.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the order dated 13.06.2018 in TNSTC/DS/D5/16/18



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passed by the second respondent and consequent order dated 23.03.2021 in TNSTC/DS/D5/115/2021 passed by the first respondent and quash the same, consequently, directing the respondents to pay monetary benefits to the petitioner.

For Petitioner : Mr.D.Venkatachalam

For Respondents : Mr.K.Jegadees Balan
for R1 & R2
: Mr.S.C.Herold Singh for R3

ORDER

Heard the learned counsel on either side.

2. The writ petitioner was working as superintendent in the respondent corporation. The allegation against the petitioner is that the petitioner failed to implement the penalty imposed on the conductor and thereby, caused loss to the corporation. The ground on which the petitioner is questioning the impugned order is that disciplinary action was initiated after the petitioner reached the age of superannuation on 30.11.2017. The learned counsel appearing for the petitioner relies on the order dated 03.09.2014 made in W.P.(MD)Nos.6228 of 2014 etc., A learned Judge of this Court in the said decision had held as follows:-

“14. The jurisdiction of the Tamil Nadu State Transport Corporation to initiate disciplinary proceedings after retirement of the employees came up for consideration before this Court in **W.P.Nos.**



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46532 and 46533 of 2002, dated 16 March, 2007 [R.Balraj Vs. Tamil Nadu State Transport Corporation (Kumbakonam Div.I) Ltd. and two others]. This Court considered the service regulations framed by the Tamil Nadu State Transport Corporation (**Order dated 16 March 2007 in W.P.Nos.46532 and 46533 of 2002**) and clearly held that there is no specific power to the Corporation to initiate disciplinary proceedings after the retirement of its employees. This Court held that in case the employee has committed a loss or damage, it is open to the Corporation to institute civil proceedings for recovery of the amount, irrespective of the fact as to whether the person is in service or out of service. In short, this Court has given a categorical finding that the Tamil Nadu State Transport Corporation has no right to initiate disciplinary proceedings after the retirement of concerned employees.”

3. That apart, punishment imposed on the petitioner is reduction in the basic time scale of pay. Such punishment is not contemplated in the relevant standing orders. Therefore, on these twin grounds, the order impugned in the writ petition is liable to be set aside. It is accordingly set aside.

4. The Writ Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

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NCC : Yes/No
Index : Yes / No
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