



W.P.(MD)No.12649 of 2022

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:15.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.12649 of 2022

W.M.P(MD).Nos.8965 of 2022 and 14762 of 2022

K.Kalimuthan

... Petitioner

Vs.

The General Manager,
Tamil Nadu State Transport
Corporation (Kumbakonam) Limited,
Karaikudi Region, Managiri (Po),
Maruthupathi, Karaikudi,
Sivagangai District.

... Respondent

Prayer:Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records pertaining to the impugned order of the respondent in Ref:TNSTC/KKD/DS-1860/MIB014/D2-15/2018, dated 29.10.2021, quash the same as illegal.

For Petitioner

: Mr.G.M.Xavier

For Respondent

: Mr.K.Jagadees Balan

Standing Counsel



W.P.(MD)No.12649 of 2022

WEB COPY

ORDER

This Writ Petition has been filed to call for the records pertaining to the impugned order of the respondent in Ref:TNSTC/KKD/DS-1860/MIB014/D2-15/2018, dated 29.10.2021 and quash the same as illegal.

2. The case of the petitioner is that the petitioner joined the service in the respondent Corporation as Driver in the year 2006. On 11.08.2018, he was allotted duty in the bus bearing Registration No.TN 63 N 1314, which is plying between Rameshwaram and Trichy and he took the trip from Rameshwaram and he proceeded towards Trichy. After reaching Pudukottai bus stand, the petitioner has tried to park the bus in the rack allotted for Trichy buses of their Corporation. However, a private bus was parked in front of the rack obstructing the movement of the petitioner and not allowing him to park the bus in the rack. The ticket canvasser has also helped the private bus to pick up the passengers beyond their time, due to which, there was a quarrel between the



W.P.(MD)No.12649 of 2022

petitioner and the ticket canvasser. The ticket canvasser has beaten the petitioner on his chest, and he fell down and became unconscious. He was admitted in the hospital as in-patient on 11.08.2018 and was discharged from the hospital on 14.08.2018. Thereafter, the respondent has conducted enquiry on 04.02.2019 and the petitioner has participated in the enquiry. Further, the petitioner has requested the respondent to treat the treatment taken period by him from 11.08.2018 to 14.08.2018 as duty. After conducting enquiry, the respondent has imposed the punishment of pay reduction to minimum level for a period of one year vide the impugned order dated 29.10.2021. Challenging the same, the present writ petition has been filed.

3. The learned counsel appearing for the petitioner reports no instructions.

4. The learned Standing Counsel appearing for the respondent would submit that as against the order passed by the respondent, there is an efficacious alternative remedy available before the Managing Director



W.P.(MD)No.12649 of 2022

WEB COPY

of the Transport Corporation. Without exhausting the appeal remedy, filing a writ petition under Article 226 of the Constitution of India is not sustainable one.

5. The facts in the present case are not in dispute. As rightly pointed out by the learned Standing Counsel appearing for the respondent, as against the punishment imposed by the respondent, there is an efficacious appeal remedy available before the Managing Director of the Transport Corporation as per the Regulations of the Transport Corporation and without exhausting the appeal remedy available, filing the present writ petition under Article 226 of the Constitution of India is not sustainable one. However, liberty is granted to the petitioner to file an appeal before the Managing Director of the Transport Corporation within a period of two weeks from the date of receipt of a copy of this order and if any appeal is filed by the petitioner, the Managing Director is directed to consider the same and pass appropriate orders within a period of six weeks thereafter.



W.P.(MD)No.12649 of 2022

WEB COPY

6. With the above direction, this Writ Petition is disposed of. No costs. Connected miscellaneous petitions are also closed.

15.02.2023

ssb

NCC:Yes/No

Index:Yes/No

Internet:Yes/No

To
The General Manager,
Tamil Nadu State Transport
Corporation (Kumbakonam) Limited,
Karaikudi Region, Managiri (Po),
Maruthupathi, Karaikudi,
Sivagangai District.



WEB COPY



W.P.(MD)No.12649 of 2022

M.DHANDAPANI,J.

ssb

W.P.(MD)No.12649 of 2022

15.02.2023