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W.P.(MD)NO.16506 OF 2020

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.16506 of 2020

A.Singaravelu

... Petitioner

Vs.

1. The State of Tamil Nadu,
Rep. by its Secretary to Government,
Transport Department,
Fort St. George, Secretariat,
Chennai – 600 009.

2. State Express Transport Corporation
(Tamil Nadu) Ltd.,
Rep. By its Managing Director,
Thiruvalluvar Illam,
Pallavan Salai, Chennai – 600 002.

3. The Deputy Manager (LAW),
State Express Transport Corporation (Tamil Nadu) Ltd.,
Thiruvalluvar Illam,
Pallavan Salai,
Chennai – 600 002.

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

... Respondents



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Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the 2nd respondent in Ref.No.54612/TL1/A, Vi.Po.Ka/2017 dated 24.7.2017 and the order of the 3rd respondent in Ref.No.006496/WA 1/SETC/2019 dated 7.6.2019 quash the same as illegal in so far as denying to cancel the punishment of increment cut for 12 months without cumulative effect due to retirement and in consequence directing the respondents to restore the original pay of Rs.23,270/- to the petitioner which was sanctioned on 1.1.2017 (subsequently withheld on May 2017) and to pay the arrears of pay for the period of 1.1.2017 to 31.7.2017 and also to pay the difference in terminal benefits such as Gratuity, Commutation, Unavailed Leave Salary alongwith the revised pension with arrears, payable to him together with 12 % interest per annum, with effect from 1.8.2017 till the date of payment within the time frame that may be stipulated by this Court.

For Petitioner : Mr.A.Rahul

For R-1 : Mr.T.Villavankothai,
Additional Government Pleader.

For R-2 to R-4 : Mr.S.C.Herold Singh

* * *



punishment of one year increment cut without cumulative effect. The

punishment had also other monetary implications against the petitioner.

Challenging the order passed by the disciplinary authority, the petitioner filed an appeal before the appellate authority. The appellate authority also appears to have forwarded the appeal memorandum to the Managing Director of the Transport Corporation. The Managing Director vide proceedings dated 28.11.2019 declined to consider the petitioner's request. This is under challenge in this writ petition.

4. The learned counsel appearing for the petitioner reiterated all the contentions set out in the affidavit filed in support of the writ petition and called upon this Court to set aside the impugned order and grant relief as prayed for.

5. The respondents have filed counter affidavit and the learned Standing counsel took me through its contents. The argument of the learned Standing counsel is that the fatal accident had taken place and that the petitioner as the Branch Manager was squarely responsible for the same. The enquiry officer had gone into the factual aspects and come to the conclusion that the charge framed against the petitioner stood



proved. The disciplinary authority after taking into account all the aspects had imposed rather light punishment. According to the learned Standing counsel, the impugned order does not call for any interference at this point of time. He pressed for dismissal of the writ petition.

6. I carefully considered the rival contentions and went through the materials on record.

7. On going through the order passed by the Managing Director, one can come to the conclusion that the charge framed against the petitioner was that engaging a physically challenged person in the yard constitutes an act of misconduct. It is true that a circular has been issued in this regard by the General Manager. But then, the circular was issued only on 17.11.2015. The occurrence had taken place on 16.11.2015. Therefore, there is nothing on record to show that the petitioner had breached any binding directive or instruction. What had happened was a pure accident. It was the Shed Driver who was fully responsible for the same. The petitioner cannot be blamed for the occurrence.



8. In this view of the matter, the punishment imposed on the petitioner is set aside. The petitioner will be entitled to the incidental monetary benefits. This writ petition stands allowed accordingly. No costs.

06.06.2023

NCS : Yes / No
Index : Yes / No
Internet : Yes / No
PMU

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7

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G.R.SWAMINATHAN,J.

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