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W.P.(MD)NO.15157 OF 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 26.06.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.15157 of 2023 AND
W.M.P.(MD)Nos.12765 & 12767 of 2023

G.Sugumaran

... Petitioner

Vs.

1. The Managing Director,
Tamil Nadu State Transport Corporation,
(Kumbakonam) Ltd.,
Kumbakonam,
Thanjavur District.
2. The General Manager,
Tamil Nadu State Transport Corporation
(Kumbakonam) Ltd.,
Nagapattinam Region,
Nagapattinam District.
3. The Branch Manager,
Tamil Nadu State Transport Corporation
(Kumbakonam) Ltd.,
Nagapattinam Region,
Mannargudi Region,
Thiruvarur District.

... Respondents

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 No.TNSTC/Kum/Legal/L2/3030/2023 dated 11.05.2023 and quash the



same and consequently direct the respondents 1 and 2 to permit the petitioner to join duty within the time limit that may be fixed by this Court.

For Petitioner : Mr.N.Sudhagar Nagaraj

For Respondents : Mr.K.Ramaiah,
Standing Counsel.

* * *

ORDER

Heard the learned counsel on either side.

2. The petitioner was employed as Driver in the respondent Corporation. He was convicted in C.C.No.426 of 2012 on the file of the Judicial Magistrate No.I, Mannargudi and imposed with punishment of two years imprisonment and fine of Rs.10,000/-. Questioning the said judgment dated 28.10.2022, the petitioner filed C.A.No.31 of 2022 before the Principal Sessions Judge, Tiruvarur. Sentence has been suspended. Such a suspension of sentence will only protect the appellant's personal liberty. It would not act as a shield against departmental action.



3. It is well settled that if an employee is convicted, he has to be terminated from service. The management has acted in consonance with the said settled position. Interference is not called for at present. If the petitioner succeeds in the appeal and the judgment passed by the trial Magistrate is set aside, the petitioner will be entitled to reinstatement. Since he has been terminated only on account of conviction imposed by the trial Court, intervening period will also be treated as duty for all purposes including backwages.

4. With this clarification and observation, the order impugned is sustained and this writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

26.06.2023

NCS : Yes / No
Index : Yes / No
Internet : Yes / No
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G.R.SWAMINATHAN,J.

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