



W.P.(MD).No.16084 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.07.2023

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.16084 of 2023

P.Mathiyazhakan

... Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Transport Corporation Limited,
Kumbakonam Division,
Kumbakonam.

2.The General Manager,
Tamil Nadu State Transport Corporation Limited,
Trichy Region,
Trichy.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to disburse withhold increment for two times and disburse the increments for the year May, 2022 and May, 2023 with the salary of June, 2023 after over the currency of punishment on 31.03.2023 before attaining the petitioners superannuation on 30.06.2023.

For Petitioner : Mr.R.Paranjothi

For Respondents : Mr.K.Jegadeesh Balan
Standing Counsel



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ORDER

The present Writ Petition has been filed for issuance of a Writ of Mandamus, directing the respondents to disburse withhold increment for two times and disburse the increments for the year May, 2022 and May, 2023 with the salary of June, 2023 after over the currency of punishment on 31.03.2023 before attaining the petitioners superannuation on 30.06.2023.

2.Heard Mr.R.Paranjothi, learned counsel appearing for the petitioner and Mr.K.S.Jegadeesh Balan, learned Standing Counsel appearing for the respondent and perused the materials available on record.

3.The petitioner was serving as a Special Grade Conductor in Ariyalur Branch, Trichy Region of the Tamil Nadu State Transport Corporation Limited. At the first instance, he was appointed as Conductor in the year 1993 in the then Cholan Transport Corporation Limited, Kumbakonam. While so, he was suspended from service from



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19.11.2021 to 20.11.2021 and finally, he was imposed with the punishment of reducing one year increment in the basic pay and the suspension period was treated as a leave period, vide proceedings, dated 09.04.2022 and another punishment was inflicted on the petitioner with one year increment cut in basic pay with cumulative effect by the second respondent vide proceedings, dated 18.04.2022. Aggrieved over the punishment order, dated 09.04.2022, the petitioner preferred an appeal before the first respondent. The first respondent modified the punishment with cumulative effect for 12 months by proceedings, dated 10.08.2022. However, as far as the punishment with respect to the proceedings dated 18.04.2022 is concerned, the punishment was confirmed by the appellate authority. In the meantime, on 09.02.2023, the petitioner submitted a petition to the Public Information Officer of the first respondent seeking information about the increments after the currency of punishment. However, no reply was availed. Therefore, he preferred an appeal before the Appellate Authority. The Appellate Authority, on perusal of the appeal, furnished information dated 25.04.2023. Though the said currency of punishment is over on 31.03.2023, till date, the petitioner's increments are not included in his salary. Despite several requests made by the petitioner in person to the second respondent, his



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increments are not included in his salary and hence, he submitted a petition on 09.02.2023 and further, he submitted a representation to the respondents on 05.06.2023 requesting him to take appropriate steps to disburse the withheld increment for two times and disburse the increment for the year May, 2022 to May, 2023 with salary of June, 2023. Even after that, the respondents did not act upon the representation of the petitioner. Hence this Writ Petition came to be filed.

4.Considering the facts and circumstances of the case, this Court, without expressing any opinion with regard to the merits of the claim made in the Writ Petition, directs the respondents to disburse the withheld increment of the petitioner for two times and disburse the increments for the year May, 2022 to May, 2023 with the salary of June, 2023, after the currency of punishment on 31.03.2023 before the petitioner attained his superannuation on 31.06.2023 and pass appropriate orders on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.



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5. With the above direction, this Writ Petition stands disposed of. There shall be no order as to costs.

20.07.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes
ps

To

1. The Managing Director,
Tamil Nadu State Transport Corporation Limited,
Kumbakonam Division,
Kumbakonam.
2. The General Manager,
Tamil Nadu State Transport Corporation Limited,
Trichy Region,
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L.VICTORIA GOWRI, J.

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