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W.P.(MD).No.17644 of 2020

For Petitioner : Mr.K.Gokul

For Respondents : Mr.P.Balasubramanian
Standing Counsel

ORDER

The present writ petition has been filed seeking a direction to quash the impugned order passed by the second Respondent in Ref.No.TNSTC/TS/T4/02/2020, dated 16-11-2020 and further direct the respondents to allow the petitioner to join duty and allocate work to the petitioner within a stipulated time fixed by this Court.

2.Heard, Mr.K.Gokul, learned counsel appearing for the petitioner and Mr.P.Balasubramanian, learned Standing Counsel appearing for the respondents. Perused the materials on record.

3.(i).The petitioner was appointed as Conductor in the respondent Corporation in the year 1998 and his service was confirmed on 15.05.2000.

(ii).On 24.02.2020, the second respondent had issued a suspension order against the petitioner alleging that on 23.02.2020, while he was on duty



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as Conductor, the petitioner did not issue ticket to seven North Indian passengers, who travelled in the bus from Mandapam Bus Stop, after collecting a sum of Rs.105/- from them. The second respondent came to a conclusion that the petitioner had misappropriated the said amount, for which, the suspension order, dated 24.02.2020 was issued to him. The suspension is only for a period of seven days. On 24.02.2020 itself, another notice was served upon the petitioner by the second respondent directing him to join duty on 02.03.2020. The second respondent also issued a charge memo in this regard to the petitioner, for which, the petitioner sent a detailed explanation on 27.02.2020, making his objections as against the charges levelled in the charge memo as against him are false.

(iii).The respondent Corporation had given half of the salary to the petitioner for the period from 24.02.2020 to 01.03.2020. Though the petitioner was permitted to rejoin duty on 02.03.2020, he was not assigned with any work. Hence, the petitioner had visited the Office from 02.03.2020 till lock-down ie., on 25.03.2020, without any work.

(iv)The second respondent conducted an enquiry and on the basis of the same final order of dismissal from service came to be passed on 30.06.2021. Challenging the same, this writ petition came to be filed.



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5.It is brought to the notice of this Court that the second respondent has filed A.P.No.89 of 2021 before the Labour Commissioner, seeking approval of dismissal of the petitioner from service. On 28.07.2023, the Labour Commissioner has dismissed the same.

6.Recording the same, this Court hereby quashes the impugned order of the second respondent and remand the matter back to the respondent Corporation with a direction to modify the punishment imposed on the petitioner as one for Compulsory Retirement, instead of Dismissal from service, within a period of twelve (12) weeks, from the date of receipt of a copy of this order. The respondents are also directed to disburse the terminal benefits, to which, the petitioner is entitled to.

7.Accordingly, this writ petition stands disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

12.09.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes
PNM



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To
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1. The Managing Director,
Tamilnadu State Transport Corpn.,(KMB) Ltd.,
New Railway Station Road,
Kumbakonam - 612 001.

2. The General Manager,
Tamilnadu State Transport Corpn.,(KMB) Ltd.,
Karaikudi Region, Mardhupathi,
Managiri Post, Karaikudi, Sivagangai District.



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L.VICTORIA GOWRI, J.

PNM

**ORDER IN
W.P.(MD).No.17644 of 2020
and WMP(MD)Nos.14738, 14739 of 2020,
15347 and 15349 of 2021**

12.09.2023