



W.P.(MD)No.20294 of 2018

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:22.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.20294 of 2018
W.M.P(MD).No.18055 of 2018

V.Malaichamy

... Petitioner

Vs.

The Management of Tamil Nadu State
Transport Corporation (Kumbakonam) Limited,
Pudukkottai Region,
Represented by its General Manager,
Pillaithaneerpanthal,
Pudukkottai.

... 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 passed by the respondent in Ref.No.TNSTC/Kumba/Pudhu/TS/D3/0109/17 dated 27.03.2018, quash the same.

For Petitioner : Mr.A.Rahul

For Respondent : Mr.D.Sivaraman



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ORDER

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This Writ Petition has been filed to call for the records pertaining to the impugned order passed by the respondent in Ref.No.TNSTC/Kumba/Pudhu/TS/D3/0109/17 dated 27.03.2018 and quash the same.

2.The case of the petitioner is that the petitioner joined the service in the respondent Transport Corporation as Driver in the year 1998 and his service was regularised in the year 1999. However, he was imposed with the punishment of postponement of next increment for a period of one year with cumulative effect vide the impugned order dated 27.03.2018. Challenging the same, the present writ petition has been filed.

3. The learned counsel appearing for the petitioner would submit that if the respondent Transport Corporation has conducted a detailed enquiry in respect of the charges levelled against the petitioner, the petitioner has to necessarily approach the Labour Court. However, in the



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present case, without conducting any enquiry, contrary to the Regulations of the Transport Corporation, the respondent has imposed the punishment of postponement of next increment for a period of one year with cumulative effect, vide the impugned order dated 27.03.2018, which is not sustainable one. Hence, he prays for passing appropriate orders.

4. The learned Standing Counsel appearing for the respondents would submit that with regard to the punishment imposed by the respondent Corporation, there is an efficacious alternative remedy available before the Labour Court which has been affirmed by the Hon'ble Division Bench of this Court in W.A.(MD).No.1088 of 2021 on 30.07.202.

5. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondent.

6. A perusal of the said judgment makes it clear that “whether the order of punishment was justified or not needs to be adjudicated, which



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cannot be done in a summary proceedings based on affidavits in a petition under Article 226 of the Constitution”. Following the ratio laid down by the Hon'ble Division Bench of this Court, the prayer sought for in the present writ petition cannot be granted. However, liberty is granted to the petitioner to approach the concerned Labour Court.

7. Accordingly, this Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petition is also closed.

22.02.2023

ssb
NCC:Yes/No
Index:Yes/No
Internet:Yes/No

To
The Management of Tamil Nadu State
Transport Corporation (Kumbakonam) Limited,
Pudukkottai Region,
Represented by its General Manager,
Pillaithaneerpanthal,
Pudukkottai.



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M.DHANDAPANI,J.

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