



W.P.(MD).No.22821 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.09.2023

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.22821 of 2023

J.Soosaimuthu

... Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Transport Corporation (Kum) Ltd.,
TNSTC Head Office,
No.27, Railway Station New Road,
Kumbakonam.

2.The General Manager,
Tamil Nadu State Transport Corporation (Kum) Ltd.,
Karaikudi Region,
Maruthupatti, Managiri,
Karaikudi,
Sivagangai District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the 1st respondent in TNSTC/DS/D2/103, dated 29.02.2020 and quash the same and consequently directing the respondents to provide consequential service benefits payable to the petitioner.



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For Petitioner : Mr.P.Vijaynivas

For Respondents : Mr.K.Ramaiah
Standing Counsel

ORDER

The present writ petition has been filed to call for the records relating to the impugned order passed by the 1st respondent in TNSTC/DS/D2/103, dated 29.02.2020 and quash the same and consequently directing the respondents to provide consequential service benefits payable to the petitioner.

2. The petitioner is working as a Driver in Tamil Nadu State Transport Corporation (Kumbakonam) Limited, at Mudukulathur Branch. On 20.12.2014, at about 08.30 p.m., while he was driving the corporation bus near Edaiyur High School Stop, a two wheeler suddenly crossed the road without heeding to horn or alarm. Though the petitioner managed to stop the bus on the spot, he dashed on the front side of the bus and died.

3. An F.I.R in Crime No.266 of 2014 was registered by Edaiyur Police and the same was culminated in filing of charge sheet in C.C.No.153 of 2015 before the learned Judicial Magistrate, Thiruthuraipoondi. Thereafter, the learned Judicial Magistrate, Thiruthuraipoondi vide order, dated 27.03.2019



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passed an order of Hon'ble acquittal in favour of the petitioner. In the mean while, the 2nd respondent suspended the petitioner from service vide proceedings, dated 22.12.2014 and thereafter, the suspension was revoked in due course of time. However, the charge memo, dated 24.02.2015 was slapped on the petitioner and the show cause notice, dated 07.08.2015 also came to be issued by the 2nd respondent for the same accident and the 2nd respondent had passed a final order in the disciplinary proceedings on 30.10.2015 by implementing the punishment of stoppage of increment for 2 years with cumulative effect and the said order was confirmed by the 1st respondent vide proceedings, dated 29.02.2020 in appeal. Challenging the same, this writ petition came to be filed.

4. The matter in the instant case is no more *res integra*. This Court in a similar matter in W.P(MD)No.24931 of 2018, dated 23.04.2019 had passed a favourable orders to the petitioner therein and the relevant portion of which is extracted as follows:

“3.....14.In that view of the matter, this Court is inclined to pass the following order:

“The respondents are hereby directed to revise the punishment inflicted on the petitioner as modified by the



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appeallate authority in view of the action dropped report dated 24.03.2010 filed by the investigation agency, i.e. (police) before the Judicial Magistrate No.1, Dindigul on 24.03.2010 in the light of clause 61 of the Settlement under Section 12(3) of I.D. Act between the employer and employees and pass an order revising the said punishment of the petitioner. The said order shall be passed by the respondents, within a period of six weeks from the date of receipt of a copy of this order. It is needless to mention that once an order passed to that effect revising the said punishment, consequential service benefits on the petitioner, for which, the petitioner is entitled to shall be extended to him.

15. With the above direction, this writ petition is allowed. No costs. Consequently, connected miscellaneous petitions are closed.

5. This Court is of the view that the above order covers the issue involved in this writ petition. Therefore, in the light of the order cited supra, the respondents are directed to revise the punishment inflicted on the petitioner as modified by the appellate authority in view of the action dropped report, dated 26.05.2013 filed by the investigation agency, i.e. (police) before the Judicial Magistrate, Vilathikulam, as per Clause 61 of the Settlement under Section 12(3) of I.D. Act between the employer and employees and pass an order to that effect. The said order shall be passed by the respondents, within a period of six weeks from the date of receipt of a copy of this order. It is needless to mention



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that once an order is passed for revising the punishment, consequential service benefits entitled to the petitioner shall be extended to him.”

5. I am fully in consonance with the order passed by this Court in a case mentioned supra. Adopting the same, I hereby direct the respondents to revisit the punishment inflicted on the petitioner in view of the Hon’ble acquittal given by the learned Judicial Magistrate, Thiruthuraipoondi on 27.03.2019 as per clause 61 of the Settlement under Section 12(3) of the I.D Act between the employer and employees and pass orders to that effect. The said order shall be passed by the respondents within a period of eight (8) weeks from the date of receipt of a copy of this order and it is needless to mention that once the order is passed for revoking the punishment, subsequently, the service benefits to which the petitioner is entitled, shall be extended to him.

6. Accordingly, this Writ Petition stands allowed. No costs.

20.09.2023

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

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L.VICTORIA GOWRI, J.

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