



WA No.2615 of 2010

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.09.2024

CORAM

THE HON'BLE MR.JUSTICE S.S.SUNDAR

AND

THE HON'BLE MR.JUSTICE K.RAJASEKAR

WA No.2615 of 2010

- 1.Tamil Nadu State Transport Corporation,
Madurai DN III Ltd., Nagercoil,
rep. by its Chairman
- 2.The Managing Director,
Tamil Nadu State Transport Corporation,
Madurai DN III Ltd., Nagercoil : Appellants

versus

- 1.N.Sakthirajan (died)
- 2.The State of Tamil Nadu,
rep. By the Secretary to Government,
Transport Department,
Fort St.George,
Chennai 600 009
- 3.Vimala
- 4.Kavitha Suresh Kumar
- 5.Shanmugapriya
- 6.Arthi : Respondents

(respondents 3 to 6 substituted as legal heirs
of deceased sold respondent vide order of
Court dated 01.07.2024 in CMP No.12915/2024)



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Prayer: Appeal filed against the order dated 06.07.2010 in WP No.19864 of 1999.

For the Appellants : Mr.C.Gauthamaraj

For the Respondents : Mr.M.A.Abdul Wahab

JUDGMENT

(Made by S.S.SUNDAR, J.)

This writ appeal is directed against the order of learned Single Judge in W.P.No.19864 of 1999, dated 06.07.2010, allowing the writ petition filed by the original writ petitioner/employee questioning the punishment of demotion imposed on him.

2. The original writ petitioner was working as Chief Accounts Officer in the erstwhile Nesamani Transport Corporation, which is now re-christened as the Tamil Nadu State Transport Corporation. When he was working as such, a charge memo was issued stating that he had passed bills to the tune of Rs.3,66,024.50 without receiving ticket books during the period 1985-86 to 1987-88 and thereby caused loss to the corporation. The other charges are consequential. It is not in dispute that an inquiry officer was appointed, and based on the



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inquiry report, punishment was imposed against the original writ petitioner demoting him from the cadre of Deputy Manager to the cadre of Assistant Manager. Challenging the same, the respondent filed a writ petition in WP No.19864 of 1999.

3. After going through the entire records, learned Single Judge found that the writ petitioner was not involved in passing the bills to the tune of Rs.3,66,024.50 as charged. However, the petitioner was held responsible for the payment made under two bills which are marked as Ex.A-8 and A-9, to the value of Rs.28,825/-. Therefore, learned Single Judge held that the writ petitioner cannot be held liable for the entire amount of Rs.3,66,024.50. Learned Single Judge then examined the defence of the first respondent that he passed the bills only on the certificate issued by by the Stock Section Superintendent.

4. Learned Single Judge, on analysing the entire evidence, found that no oral evidence or document has been produced to fix the responsibility on the writ petitioner and that the bills were passed by the writ petitioner only on the basis of the certificate issued by the



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Stock Section Superintendent.

5. Learned Single Judge further held that there is no evidence to hold the writ petitioner guilty of any charge. Learned Single Judge concluded that the other charges are very vague and therefore, learned Single Judge allowed the writ petition and set aside the punishment imposed on the writ petitioner. Challenging the same, respondent in the writ petition viz., the Transport Corporation has filed the present writ appeal.

6. Learned counsel for the appellant Transport Corporation submitted that the conclusion of learned Single Judge that the original writ petitioner could be held responsible only for Rs.28,825/- is erroneous. However, learned counsel is not able to demonstrate before this Court that there are documents and evidence to fix the responsibility on the original writ petitioner for passing the bills to the value of Rs.3,66,024.50 as found in the charge memo.

7. The original writ petitioner has taken a plea that bills were passed based on the certificate issued by the Stock Section Superintendent and learned Single Judge has accepted the same.



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Learned counsel for the appellant is not able to produce any contra-evidence or material to disprove the defence taken by the original writ petitioner.

8. It is reported that the original writ petitioner is no more and the appellant Transport Corporation has impleaded the legal heirs of the deceased employee, in this appeal. In such circumstances, this Court is not inclined to interfere with the order of learned Single Judge setting aside the punishment imposed on the writ petitioner.

9. This writ appeal is therefore dismissed. There will be no order as to costs. Consequently, M.P.No.1 of 2011 is closed.

(S.S.S.R., J.)

(K.R.S., J.)

09.09.2024

Index : Yes/No
Neutral Citation : Yes/No
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To
The Secretary to Government,
Transport Department,
Fort St.George,
Chennai 600 009



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