



WEB COPY



W.P.No.4394 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.02.2024

CORAM

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.4394 of 2024
and W.M.P.No.4730 of 2024

R.Kannagi

... Petitioner

-Vs-

1.The Managing Director,
Appellate Authority Office of
Tamil Nadu State Transport Corporation,
Villupuram,
Villupuram District.

2. The General Manager,
Tamil Nadu State Transport Corporation
(Villupuram) Ltd.,
Villupuram Zone,
Kallakurichi District.

3. The Disciplinary Authority / Enquiry Officer,
Deputy Manager,
Tamil Nadu State Transport Corporation
(Villupuram) Ltd.,
Villupuram Zone,
Villupuram.

... Respondents

Prayer:- Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Certiorarified Mandamus, calling for records relating to the impugned order dated 09.06.2023 passed by the first respondent in the appeal vide proceedings in Na.Ku.No.92/4092/D4/TNSTC (V)/2019 and the order



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passed by the second respondent vide proceedings in Ka.Ka.No.92/4902/D4/TNSTC (VILL)/2019 dated 15.06.2022 and quash the same and further direct the respondents to pay the consequential increment to the petitioner.

For Petitioner : Mr.M.Varunkumar

For Respondents : Mr.M.Ashwin
Standing Counsel

ORDER

This Writ Petition has been filed challenging the order passed by the first respondent dated 09.06.2023, thereby rejected the appeal as against the order passed by the second respondent dated 15.06.2022, thereby imposed punishment of withheld the increment of salary for a period of five years.

2. Heard the learned counsel on either side and perused the materials available on record.

3. The petitioner had joined as a Junior Clerk through direct recruitment in the year 1988. Thereafter, he was promoted to the post of Clerk. In the year 2012, she was promoted to the post of Special Grade Clerk and subsequently, she was promoted to the post of Superintendent. While being so, in the month



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of June 2019, the third respondent conducted a periodical internal audit inspection by the Internal Inspection Team for the period from 21.12.2018 to 20.05.2019. Pursuant to which, the Assistant Manager lodged a complaint on 20.06.2019 alleging some irregularities. Therefore, the petitioner was suspended from service and disciplinary proceedings were initiated. On 05.09.2019, the petitioner was served with a charge memo. After completion of enquiry, the Enquiry Officer found that all the charges were proved. The second respondent passed a final order, thereby imposed punishment of withholding the increment of salary for the period of five years from the date of the order viz., 15.06.2022. Aggrieved by the same, the petitioner filed an appeal in the form of Mercy Petition before the first respondent on 14.07.2022. Thereafter, raising so many grounds, a proper form of appeal was filed on 07.04.2023. However, the first respondent dismissed the appeal, on the ground that the appeal was preferred belatedly after a period of 90 days. Though, the petitioner failed to produce any acknowledgment for the mercy petition submitted before the first respondent, dated 14.07.2022, the petitioner raised a ground to set aside the order passed by the second respondent dated 15.06.2022 in the mercy petition dated 14.07.2022. Subsequently, in a proper form of appeal, she had preferred an appeal before the first respondent on 07.04.2023.



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4. In view of the above, the first respondent is directed to entertain the appeal and pass orders on merits and in accordance with law. Accordingly, the appeal is remanded to the first respondent for passing fresh order on merits and in accordance with law, after giving an opportunity of hearing to the petitioner and dispose of the same, within a period of eight weeks from the date of receipt of a copy of this order.

5. With the above directions, this writ petition stands disposed of. Consequently, connected Miscellaneous petition is closed. There shall be no order as to costs.

23.02.2024

Internet : Yes
Index : Yes/No
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G.K.ILANTHIRAIYAN, J.

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