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W.P.No.9366 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.01.2024

CORAM:

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

W.P.No.9366 of 2022

M.Maadhaiyan

...Petitioner

-Vs-

1.The Managing Director,
Tamil Nadu State Transport Corporation (Salem) Limited,
No.12, Ramakrishna Salai,
Salem – 636 007.

2.The General Manager,
Tamil Nadu State Transport Corporation (Salem) Limited,
No.12, Ramakrishna Salai,
Salem – 636 007.

... Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Mandamus, directing the Respondents to effect, implement of 3rd review benefits and refixation of the Petitioner salary with effect from 01.09.2016.

For Petitioner : Mr.N.Desinghu

For Respondents : Mr.K.Raja
Standing Counsel
ORDER

This Writ petition has been filed for a direction directing the respondents to effect, implement of 3rd review benefits and refixation of the petitioner salary with effect from 01.09.2016.



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

3. The petitioner had joined service as a Conductor on 10.09.1997. Subsequently, he was promoted as Senior Conductor. While being so, he was served with a charge memo dated 21.01.2002 for misconduct of misusing the passenger tickets on 13.01.2002. After enquiry, he was served with a show cause notice stating that “Why the petitioner salary reduce five stage of basic pay”.

4. On receipt of the explanation, final order was passed on 05.09.2002, thereby a punishment of postponement of increment of salary for a period of four years with cumulative effect was imposed. Aggrieved by the same, the petitioner filed an appeal before the first respondent and the first respondent by an order dated 15.12.2016 modified the punishment that increment of salary postponed for two years without cumulative effect. Thereafter, the petitioner submitted a representation for the punishment of modification order seeking third review benefits.

5. The learned counsel for the respondent would submit that so far, except the present charge, the petitioner has been punished for 22 times and the



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punishment are as follows:-

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TAMILNADU STATE TRANSPORT CORPORATION (SALEM) LTD., SALEM - 636 007 - 3					
DATE = 01.03.2024 TIME = 14:05:02					
Staff Number: 1512970894		Dt. of Birth: 08.02.1954		Station: METTUR	
Name: IMAGHAIYAN R		Dt. of Join: 16.07.1991		Regular Date: 01.11.1998	
Designation: SSG Conductor		Father Name: IMANIDHAN		Retire Date: 25.02.2024	
OLD STAFF NO: 1CR3200/CC17587		Grade: 35500		44373	
DATE	VEN-NUM	OFFENCE	PUNISHMENT	FILE/YEAR	F.O. DATE
CR3200					
1	05.06.2000 0469	F.O.	Inc. on for 2 Year wage	424 /2000	
**APPEAL-MODIFICATION			Inc. on for 1 Year wage	424 /2000 07.11.2016	
2	14.04.1998 0833	F.N.C	Warned	305 /1998 08.09.1998	
3	14.04.1998 0833	F.N.C	Warned	424 /2000 31.08.2000	
4	16.05.2001 0935	Less remittance.	Inc. on for 3 Mos. wage	212 /2001 31.07.2001	
**APPEAL-MODIFICATION			Appeal rejected	212 /2001 26.03.2014	
5	13.01.2002 0752	F.O.	Inc. on for 4 Year wage sb - on 25015 leave	46 /2002 08.04.2002	
**APPEAL-MODIFICATION			Inc. on for 2 Year wage	46 /2002 15.12.2016	
6	27.10.2001 1309	Not handover IMof/ticketbook	Red. Rs. 25025	793 /2001 31.05.2002	
7	16.03.2002 1119	Not handover original tickets/51	No further action	302 /2002 31.10.2002	
8	05.11.2002 1161	F.N.C	Inc. on for 3 Mos. wage	803 /2002 31.01.2003	
9	15.10.2007 30892	Misbehaviour with Public	Inc. on for 1 Year wage	331 /2007 30.04.2008	
10	09.12.2010 0903	Less remittance.	Fined Rs. 50	1 /2011 31.01.2011	
11	21.11.2011 0488	Less remittance.	Fined Rs. 200	260 /2012 31.06.2012	
12	12.11.2013 01856	Public Complaint	Severely warned sb on -1 leave	470 /2013 31.12.2013	
13	07.04.2014 1329	ALLOW LUGGAGE IN PASS. SENT	Inc. on for 6 Mos. wage	163 /2014 31.05.2014	
**APPEAL-MODIFICATION			Appeal rejected	163 /2014 06.08.2014	
14	03.04.2016 1474	Not fillan invoice properly	Fined Rs. 400	229 /2016 30.06.2016	
**APPEAL-MODIFICATION			Warned	229 /2016 28.01.2018	
15	24.12.2016 1474	Excess in cash bag	Inc. on for 3 Mos. wage sb - on 011 leave	579 /2016 24.02.2017	
16	29.06.2017 1474	Excess in cash bag	Warned	277 /2017 24.07.2017	
17	23.12.2018 1612	Misbehaviour with Passenger	Fined Rs. 300	1245 /2018 31.08.2018	
18	31.01.2020 01622	Performed duty w/o name badge	Warned	344 /2020 08.08.2020	
19	02.11.2019 01672	Misbehaviour with DRIVER	Inc. on for 3 Mos. wage	982 /2019 22.09.2020	
20	31.01.2020 01622	Luggage F.N.C 71+20+310+116 F.N	Inc. on for 3 Mos. wage sb - on 011 leave	345 /2020 30.09.2020	
21	26.09.2020 1618	Not entered into B/S Baggage	Fined Rs. 500 sb on 011		
22	07.05.2022 01857	F.N.C 20+20+116+18 NC	Fined Rs. 500 sb on 011 - sb on	359 /2022 27.05.2022	

6. Therefore, the petitioner is not entitled for the third review benefits.



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Hence, this writ petition is devoid of merits and is liable to be dismissed.

Accordingly, this writ petition stands dismissed. There shall be no order as to costs.

02.01.2024

Internet: Yes

Index : Yes/No

Speaking/Non Speaking order
mn



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G.K.ILANTHIRAIYAN. J.

mn

To

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Tamil Nadu State Transport Corporation (Salem) Limited,
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