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W.P.No.23751 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.03.2024

CORAM

**THE HONOURABLE MS.JUSTICE R.N.MANJULA**

**W.P.No.23751 of 2021**

G.Padmanabhan

... Petitioner

Vs.

1.The Managing Director,  
Tamil Nadu State Transport Corporation,  
(Villupuram) Limited,  
3/137, Salamedu, Valudha Reddy Post,  
Villupuram 605 602.

2.The General Manager,  
Tamil Nadu State Transport Corporation,  
(Villupuram) Limited,  
Vellore Region,  
Rangapuram, Vellore 632 009.

... Respondents

**Prayer :** Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the order No.168175/Sa.6/TNSTC (V) Vellore Division/2016 dated 10.04.2017 of the second respondent as confirmed by the first respondent in order No.168175/Sa.6/TNSTC (V) Vellore Division/ 2016 dated 23.06.2021, quash the same and consequently direct the second respondent to recalculate the terminal benefits of the



W.P.No.23751 of 2021

petitioner and to pay the difference in amount with interest.

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For Petitioner : Mr.S.T.Varadarajulu

For Respondents : Mrs.S.Pavithra, SC for TNSTC

### **ORDER**

This Writ Petition has been filed seeking issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the order No.168175/Sa.6/TNSTC (V) Vellore Division/2016 dated 10.04.2017 of the second respondent as confirmed by the first respondent in order No.168175/Sa.6/TNSTC (V) Vellore Division/ 2016 dated 23.06.2021, quash the same and consequently direct the second respondent to recalculate the terminal benefits of the petitioner and to pay the difference in amount with interest.

2. Heard Mr.S.T.Varadarajulu, learned counsel for the petitioner and Mrs.S.Pavithra, learned Standing Counsel for the respondents.

3. The petitioner joined the first respondent Corporation as



W.P.No.23751 of 2021

Conductor on 03.02.1987 and retired on 30.04.2017. A disciplinary proceedings have been initiated against the petitioner on the allegation that the petitioner has not issued ticket to two passengers and misappropriated the money and thereby caused shortage of Rs.8/-. In the departmental proceedings, the charge against the petitioner was proved and due to the above proved charges, the petitioner was given with a punishment of reduction of his basic wage to the lower level of the pay band.

4. The learned counsel for the petitioner submitted that the domestic enquiry has not been conducted properly and for the allegation of misappropriation of paltry sum of Rs.8/-, the petitioner has been imposed with the grave punishment of reversion to his lower level stage. He further submitted that the punishment imposed on the petitioner is disproportionate and in the enquiry also the witness has spoken about one Murali and not the petitioner.

5. It has been clarified that it is a clerical error through out the



W.P.No.23751 of 2021

enquiry proceedings. The petitioner has participated and affixed his signature and hence there is no question of any mistake in identity. The petitioner's claim is not that he did not participate in the enquiry proceedings and his only contention is that the witness has referred about some other person by name Murali and not his evidence. When the evidence of the passenger does not refer about the name of the petitioner, the said evidence cannot be treated as an evidence against the petitioner. But the enquiry does not proceed with the oral evidence of the witness alone. The records also would show that the petitioner did not issue two tickets.

6. According to the petitioner, the passenger did not buy the tickets and hence he did not issue tickets to them. However the conductor's duty is to count the heads and check the ticket book and issue tickets for those passengers who have not bought it. So I feel much cannot be said about the charge proved against the petitioner. However, in the above circumstances, the punishment of reduction of his scale to the lower level can be taken as something disproportionate to the allegations made



W.P.No.23751 of 2021

against the petitioner.

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7. There is nothing on record to show that the petitioner had intentionally avoided to issue two tickets worth Rs.8/-. The above circumstances could have been considered while deciding about the quantum of punishment for the charge proved against the petitioner. The petitioner's past record is also clean but the same has not been considered by the disciplinary authority and the appellate authority while confirming the punishment of reduction of the scale of pay of the petitioner to the lower level. Hence I feel it is appropriate to remand the matter back to the first respondent to reconsider the decision in the light of the above observation and pass an order afresh within a period of four weeks from the date of receipt of a copy of this order.

8. With the above observations, this Writ Petition is disposed. No costs.

**21.03.2024**

Index : Yes /No  
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Page No.5 of 7



W.P.No.23751 of 2021

Neutral Citation : Yes / No  
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W.P.No.23751 of 2021

**R.N.MANJULA, J.**

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To

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**W.P.No.23751 of 2021**

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