



**W.P(MD)No.1286 of 2024**

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.01.2024

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**THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**W.P(MD)No.1286 of 2024**

Kaverimuthu

... Petitioner

Vs.

1.The Managing Director,  
Tamil Nadu State Transport Corporation  
(Kumbakonam) Ltd.,  
Kumbakonam,  
Thanjavur District.

2.The General Manager,  
Tamil Nadu State Transport Corporation  
(Kumbakonam) Ltd.,  
Pudukkottai Region,  
Pudukkottai.

... Respondents

**Prayer** : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to reconsider the punishment of stoppage increment for 2 years with cumulative effect imposed on the petitioner vide order passed by the 1<sup>st</sup> respondent, dated 25.07.2014 based on the judgment passed by the District Munsif cum Judicial Magistrate, Kantharvakotai in STC.No.66 of 2019, dated 30.08.2022 and consequently directing the respondents to pass orders re-fixing petitioner's pay and terminal benefits and further to pay the difference amount in wages and



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difference amount in terminal benefits within a time based on the petitioner's representation, dated 16.11.2023.

For Petitioner : Mr.D.Anbarasu

For Respondents : Mr.K.Ramaiah  
Standing Counsel

### **ORDER**

The present writ petition has been filed seeking direction to the respondents to reconsider the punishment of stoppage increment for 2 years with cumulative effect imposed on the petitioner vide order passed by the 1<sup>st</sup> respondent, dated 25.07.2014 based on the judgment passed by the District Munsif cum Judicial Magistrate, Kantharvakotai in STC.No.66 of 2019, dated 30.08.2022 and consequently directing the respondents to pass orders re-fixing petitioner's pay and terminal benefits and further to pay the difference amount in wages and difference amount in terminal benefits within a time based on the petitioner's representation, dated 16.11.2023.

2. By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

3. The petitioner is working as a Driver in the respondent Transport Corporation from the year 2007. His service was regularized in the academic



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year 2008. On completion of 6 years, he was given promotion and his next promotion is due on 2018. While so, on 22.04.2013, he was placed under suspension on the ground that he caused an accident on 22.04.2013. Subsequently, the said suspension order was revoked and punishment of stoppage of increment for two years with cumulative effect was also imposed on him. However, for the accident caused, a criminal case in S.T.C.No.66 of 2019 on the file of the District Munsif cum Judicial Magistrate, Kantharvakottai was registered against the petitioner. After a full fledged trial, vide judgment dated 30.08.2022, the petitioner was acquitted from the case. That apart, the respondents also imposed a punishment in the year 2013 by awarding stoppage of increment for two years with cumulative effect. However, the petitioner was not granted with any promotional benefits thereafter. Hence, he made a representation on 16.11.2023 claiming monetary and promotional benefits in view of the judgment passed S.T.C.No.66 of 2019, dated 30.08.2022. Since the same was not considered, this writ petition came to be filed.

4. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon the respondent to consider the same on its own merits and pass appropriate orders in one way or



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other instead of keeping the same pending indefinitely. As such, non-consideration of the representation made by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking the extraordinary powers under Article 226 of the Constitution of India.

5. Without going into the merits of the case, this Court hereby direct the respondents herein to consider the representation of the petitioner, dated 16.11.2023 and pass appropriate orders in the light of the judgment passed by the Hon'ble Supreme Court in the case of ***Ram Lal Vs. The State of Rajasthan & Others reported in 2023 INSC 1047***. The said exercise shall be completed within a period of twelve (12) weeks from the date of receipt of copy of this order.

6. With the above said observations, this Writ Petition stands disposed of. No costs.

**23.01.2024**

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

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**L.VICTORIA GOWRI, J.**

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