



W.P.(MD)No.8849 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.04.2024

CORAM

THE HONOURABLE MS JUSTICE R.N.MANJULA

W.P.(MD)No.8849 of 2024

and

W.M.P.(MD).No.8060 of 2024

R.Sivakumar

... Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Transport Corporation,
(Kumbakonam Limited),
Kumbakonam.

2.The General Manager,
Tamil Nadu State Transport Corporation,
(Kumbakonam Limited),
Karur Region,
Karur – 639 003.

3.The Branch Manager,
Tamil Nadu State Transport Corporation,
(Kumbakonam Limited),
Karur Region,
Aravakuruchi Branch,
Karur.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, calling for the entire records in connection with the impugned order passed by the second respondent in Tha.Aa.Po.Ka /Kumba/Karur/TS/T1/4228/2017 dated 21.02.2018 and the



W.P.(MD)No.8849 of 2024

consequential impugned order of the first respondent in
Tha.Aa.Po.Ka.Kumba/Karur/TS/T1/6843/2019 dated 07.07.2021 and quash the
same as illegal.

For Petitioner : Mr.D.Anbarasu

For Respondents : Mr.K.Jagadees Balan
Standing Counsel

ORDER

By consent of both the parties, this writ petition is taken up for final disposal.

2. Heard Mr.D.Anbarasu, learned counsel for the petitioner and Mr.K.Jagadees Balan, learned Standing Counsel for the respondents.

3. This Writ Petition has been seeking to quash the order dated 21.02.2018 passed by the second respondent and the order of the appellate authority dated 07.07.2021.

4. Mr.D.Anbarasu, learned counsel for the petitioner submitted that as per the Tamil Nadu State Transport Corporation Standing Orders, the punishment for misconduct is prescribed as under:



W.P.(MD)No.8849 of 2024

1) The following shall be the prescribed punishment that may be awarded to workmen, guilty of misconduct.

i) Censure.

ii) Fine – subject to the provisions of payment of wages act.

iii) Stoppage of increment: Stoppage of increment with or without cumulative effect.

iv) a) Recovery from wages whole or part of any pecuniary loss, caused to the corporation by the negligence or breach of orders of the workmen.

b) Recovery from pay to the extent necessary of the monetary value equivalent to the amount of increment ordered to be withhold, where such an order cannot be given effect to.

c) Recovery from pay to the extent necessary of the monetary value equivalent to the amount of reduction to a lower stage in a time scale ordered where such an order cannot be given effect to.

v) Suspension not exceeding 30 days.

vi) Demotion to lower post or lower grades. No workmen shall be demoted to any post or grades lower than to which he was initially recruited under the corporation.

vii) Compulsory retirement.

viii) Removal from service or discharge.

ix) Dismissal from service.

x) Any of the above in case of accidents where driver is found to be guilty.

5. But, the petitioner has been imposed with the punishment of reversion



W.P.(MD)No.8849 of 2024

of salary to five stages, which is illegal. On perusal of the impugned orders dated 21.02.2018 and the order of confirmation in the appeal dated 07.07.2021, it is only seen that the petitioner was imposed with the punishment of reversion of basic pay for five stages for a period of three years with cumulative effect. Even the punishment does not say that the salary of the petitioner should be reversed to five stages below, than what he was drawing at the time of imposing the punishment.

6. It appears that the concerned authority had misconstrued the order of punishment and chosen to reverse the salary of the petitioner, instead of stopping five increments for a period of three years. The petitioner has also misconstrued the order of the punishment as that of a reversion. The order does not state anything about reversion but only stoppage of five stages. However, reversion of pay for five stages are the words employed in his order of punishment. Such a punishment is not contemplated in the standing orders. Hence, the impugned orders are liable to be set aside. The second respondent is directed to reconsider the issue and choose to impose any punishment that is prescribed in the Standing Orders.



W.P.(MD)No.8849 of 2024

WEB COPY

7. In view of the above stated reasons, this Writ Petition is **allowed**. No costs. Consequently, connected miscellaneous petition is closed.

08.04.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
Nsr

To:

- 1.The Managing Director,
Tamil Nadu State Transport Corporation,
(Kumbakonam Limited),
Kumbakonam.
- 2.The General Manager,
Tamil Nadu State Transport Corporation,
(Kumbakonam Limited),
Karur Region,
Karur – 639 003.
- 3.The Branch Manager,
Tamil Nadu State Transport Corporation,
(Kumbakonam Limited),
Karur Region,
Aravakuruchi Branch,
Karur.



WEB COPY



W.P.(MD)No.8849 of 2024

R.N.MANJULA, J.

Nsr

W.P.(MD)No.8849 of 2024

08.04.2024