



WEB COPY



W.A(MD)No.1501 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.09.2024

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**W.A(MD)No.1501 of 2024
and
C.M.P(MD)No.11669 of 2024**

The Managing Director,
Tamil Nadu State Transport Corporation (KMB) Ltd.,
27, New Railway Station Road,
Kumbakonam – 612 001. ... Appellant/2nd respondent

-VS-

1.S.Ayyaru ... 1st Respondent/Petitioner

2.The Tamil Nadu State,
Rep. by its Principal Secretary to Government,
Transport Department,
Secretariat,
Chennai. ... 2nd respondent/1st respondent

PRAYER: Appeal filed under Clause 15 of Letters Patent, against the order
dated 12.12.2023 made in W.P(MD)No.29373 of 2023.

For Appellant :Mr.SC.Herold Singh
For R-1 :Mr.K.Gokul
For R-2 :Mr.P.T.Thiraviyam,
Government Advocate



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JUDGMENT

[Judgment of the Court was made by R.SUBRAMANIAN, J.]

Being aggrieved by the order of the learned Single Judge directing the Corporation to regularize the period of suspension of the first respondent between 01.10.2004 and 30.06.2006, consequent upon the dropping of the disciplinary proceedings initiated against the first respondent which was launched after his retirement, the Corporation is on appeal.

2. The first respondent attained superannuation on 30.06.2008 nearly a month after the retirement, a charge memo was issued on 24.07.2008. A punishment was imposed on 24.07.2018 and it was challenged in W.P(MD)No.4849 of 2019. When the said writ petition came up for hearing before this Court, the Managing Director of the Corporation appeared before the Court and submitted that the order imposing punishment dated 24.07.2018 had been withdrawn and the Corporation had decided to close the charge memo and to drop the disciplinary proceedings. This was recorded and the writ petition was closed. Thereafter, the authorities have not regularized the suspension period.

3. The writ Court finding that action of the Corporation in not regularizing the suspension period cannot be sustained in view of the fact that the enquiry proceedings have been closed and the order imposing



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punishment had been recalled and directed the Corporation to regularize the period of suspension and pay all the attendant benefits arising out of regularization of suspension period, within a period of twelve weeks from the date of receipt of a copy of this order.

4. Mr.S.C.Herold Singh, learned Standing Counsel appearing for the Transport Corporation would vehemently contend that though the disciplinary proceeding had been dropped, criminal case was pending and hence, the direction cannot be sustained.

5. We are unable to agree with the submissions of the learned counsel. Once the Corporation consciously decided to close the charge memo and to drop the disciplinary proceedings, it cannot refuse to regularize the service. Hence, we do not see any reason to interfere with the order of the learned single Judge. The writ appeal fails and it is accordingly dismissed. No Costs. Consequently, connected Miscellaneous Petition is closed.

[R.S.M., J.]

[L.V.G., J.]

03.09.2024

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



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To:

The Principal Secretary to Government,
State of Tamil Nadu,
Transport Department,
Secretariat,
Chennai.



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and
L.VICTORIA GOWRI, J.

pm

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