



W.P.(MD)No.9429 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.04.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD)No.9429 of 2024 &
W.M.P.(MD)No.8557 of 2024

Chandran

... Petitioner

vs.

1.The Managing Director,
Tamilnadu State Transport Corporation
(Kumbakonam Ltd.), Kumbakonam.

2.The General Manager
Tamilnadu State Transport Corporation
(Kumbakonam) Limited,
Trichy Region, Karur - 639 003.

3.The Branch Manager,
Tamilnadu State Transport Corporation
(Kumbakonam) Limited, Trichy Region,
Trichy Mofasal Branch, Trichy.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a 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/Trichy/T6/2021/2017 dated 15.12.2017 quash the same as illegal.

For Petitioner	:	Mr.D.Anbarasu
For Respondents	:	Mr.K.Ramiah
		Standing Counsel



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ORDER

Heard Mr.D.Anbarasu, learned counsel for the petitioner and Mr.K.Ramiah, learned Standing Counsel appearing for the respondents.

2. The writ petition has been filed seeking 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/Trichy/T6/2021/2017 dated 15.12.2017 and quash the same.

3. By consent on both sides, this writ petition is taken up for final disposal at the admission stage itself.

4. The petitioner who suffered reduction in basic pay by three stages for three years with cumulative effect has come up with this petition.

5. The Punishment for Misconduct is mentioned in Clause 25 of Standing Order of the Corporation and the same is extracted below.



"(25) PUNISHMENT FOR MISCONDUCT

(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



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

6. Mr.D.Anbarasu, learned counsel appearing for the petitioner submitted that the petitioner has been given with a punishment which is not contemplated in the Standing Order.

7. Mr.K.Ramiah, learned Standing Counsel appearing for the respondents submitted that the petitioner had suffered the final order even in the year 2017, wherein he was found to be guilty and imposed with a punishment. However, the petitioner has chosen to challenge the same after an inordinate delay of six years and further he has not chosen to file any appeal before the Appellate Authority and has filed this writ petition directly.

8. Obviously, the petitioner has filed this writ petition after a lapse of six years and according to the respondent Corporation, the petitioner's appeal remedy lies before a different forum. Be that as it may, when the petitioner claims that the impugned order is illegal and had



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caused gross injustice to him, delay alone cannot be a reason to reject the relief sought for by him. In the instant case, the petitioner has been awarded with a punishment which is not contemplated in the Standing Order of the Corporation. Since there is a fundamental illegality in the orders of the respondent, the petitioner is entitled to file a writ petition even before invoking the appellate remedy.

9. In view of the above stated reasons, the writ petition is **allowed** and the impugned order passed by the second respondent in Tha.Aa.Po.Ka/Kumba/Trichy/T6/2021/2017 dated 15.12.2017 is set aside. The second respondent is directed to re-consider the issue and pass orders afresh in accordance with the Standing Order of the Corporation. No costs. Consequently, connected Miscellaneous Petition is closed.

17.04.2024

NCC: Yes/No
Index : Yes/No
Speaking/Non-Speaking order

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R.N.MANJULA, J.

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