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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.07.2024

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THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD).No.17884 of 2024
and WMP(MD) No.15344 of 2024

P.Mahalingam

... Petitioner

Vs

The Managing Director,
Tamil Nadu State Transport Corporation (Kum) Ltd.,
Tnstc Head Office, No.27, Railway Station New Road,
Kumbakonam.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records relating to the impugned order passed by the respondent in TNSTC/kumba/Legal/L2/18241/2023 dated 21.11.2023 and quash the same.

For Petitioner : Mr. P.Vijaynivas

For Respondent : Mr.K.Ramaiah
Standing Counsel

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ORDER

Heard Mr.P.Vijaynivas, learned counsel for the petitioner and Mr.K.Ramaiah, learned Standing Counsel, for the respondent.

2.The petitioner has filed this writ petition challenging the impugned order of the respondent in TNSTC/kumba/Legal/L2/18241/2023 dated 21.11.2023, wherein, the punishment imposed on the petitioner in terms of disciplinary proceedings has been reduced from stoppage of six months annual increment to three months annual increment.

3. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

4. The learned counsel for the petitioner submitted that the above proceedings have been initiated against the petitioner, due to the accident caused by him, in which, a criminal case has been registered against the petitioner.

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5.Now it is submitted that as per 12(3) settlement, dated 13.09.1992 for the conclusion of the criminal Court proceedings, the petitioner honourably acquitted, the decision of the disciplinary authority to punish the individual can be revisited. By taking recourse of the above contention, in the earlier petition filed by the petitioner in W.P(MD) No.18241 of 2023, a direction has been given for reconsideration. After reconsideration, the present impugned order has been passed. It is stated that criminal Court has chosen to acquit the petitioner only giving the benefit of doubt and not a honourable acquittal. Further, the Disciplinary Authority concerned confirm the punishment, which was reduced from six months to three months.

6.The learned counsel for the petitioner submitted that the Corporation is said to have given compensation of Rs.20,000/- to the injured and now the petitioner is ready to remit the compensation paid by the Corporation, so that his punishment can be set aside.

7.The above argument of the petitioner is not acceptable, because the punishment is imposed because of the involvement of the petitioner in the

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accident and not about the Corporation's responsibility for paying compensation to the victim.

8.Since the order has been passed in the light of the terms of 12(3) settlement and by considering the Judgment passed by the trial Court, by giving benefit of doubt to the petitioner, I do not find the impugned order requires any interference.

9.In view of the above reasons, this petition stands dismissed. No costs. Consequently connected miscellaneous petition is closed.

31.07.2024

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

To
The Managing Director,
Tamil Nadu State Transport Corporation (Kum) Ltd.,
Tnstc Head Office, No.27, Railway Station New Road,
Kumbakonam.

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R.N.MANJULA, J.

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ORDER IN
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