



W.P.(MD).No.20112 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 10.09.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.20112 of 2024

and

W.M.P(MD) No.17076 of 2024

L.Dhakshinamurthy

... Petitioner

Vs.

1. The Managing Director,
Tamil Nadu State Transport Corporation,
(Kumbakonam) Limited,
No.27, Railway Station New Road,
Thanjavur District.
2. The General Manager,
Tamil Nadu State Transport Corporation,
(Kumbakonam) Limited,
Railway Station New Road,
Kumbakonam,
Thanjavur District.
3. The Administrator,
Tamil Nadu State Transport Corporation Limited,
Employees Pensions Fund Trust,
Thiruvalluvar Illam,
Pallavan Salai,
Chennai – 2.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned final order passed by the second respondent in பார்வை: தஅபோக/டி6/ஏடிபி/451/2002, dated 09.06.2023 and quash the same as illegal and consequently direct the respondents to calculate and disburse the terminal benefits after including 1 stage reduction from the last drawn basic pay with interest within the time stipulated by this Court.

For Petitioner	: Mr.K.Gokul
For R1 and R2	: Mr.K.Ramaiah Standing Counsel
For R3	: Mr.S.C.Herold Singh Standing Counsel

ORDER

The instant writ petition has been filed by a Special Grade Watchman working in the respondent Transport Corporation, seeking to quash the order dated 09.06.2023, wherein the punishment of one stage reduction from the last drawn basic pay has been imposed upon the writ petitioner.

2. Admittedly, the petitioner had retired from service on 31.05.2019 and an order was passed on the said date permitting the petitioner to retire from

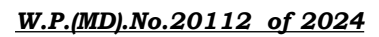


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services without prejudice to the pendency of DVAC proceedings. This order was put to challenge in W.P(MD) No.251 of 2021. This Court, by an order dated 09.11.2022 had quashed the said order and directed the respondent Transport Corporation to permit the petitioner to retire from services and further directed the disbursement of the terminal benefits to be paid within a period of twelve weeks. In case, if there is any delay beyond a period of twelve weeks, the Management was directed to pay interest at the rate of 6% per annum. Thereafter, the present impugned order has been passed, wherein the petitioner has been imposed with a punishment of one stage reduction from the last drawn basic pay based upon the charge memo dated 22.05.2018. This final order of imposition of punishment is under challenge in the present writ petition.

3. It is an admitted fact that there is no provision either under the Standing Order or under Service Regulations of the Transport Corporation to continue the disciplinary proceedings after the date of retirement. The petitioner, having retired from service on 31.05.2019, the respondent Management do not have any jurisdiction whatsoever to pass the present impugned order of punishment. That apart, the punishment imposed under the



<https://www.mhc.tn.gov.in/judis>



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R.VIJAYAKUMAR,J.

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