



WP(MD). No.26261 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Dated : 20.12.2024

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THE HONOURABLE MR. JUSTICE B.PUGALENDHI

WP(MD)No.26261 of 2022

A.Micheal Raj

... Petitioner

versus

1. The Managing Director,
Tamil Nadu State Transport Corporation
(Kumbakonam) Ltd.,
Kumbakonam,
Thanjavur District.

2. The General Manager,
Tamil Nadu State Transport Corporation
(Kumbakonam) Ltd.,
Pudukkottai Region,
Pudukkottai.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to reconsider the punishment of increment cutoff 4 years with cumulative effect imposed on the petitioner vide order passed by the 1st respondent dated 09.12.2013 based on the judgment passed by the District Munsif cum Judicial Magistrate, Rameshwaram in STC No. 76 of 2014 dated 04.08.2017 and consequently directing the respondents to pass orders refixing the petitioner's pay and terminal benefits and further



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to pay the difference amount in wages and difference amount in terminal benefits within a time based on the petitioner's representation dated 12.02.2020.

For Petitioner : Mr.D.Anbarasu,

For Respondents : Mr.K.Jegadeesh Balan
Standing Counsel

ORDER

The petitioner is a Driver of the Tamil Nadu State Transport Corporation. On 06.02.2012, while he was driving a Bus, he caused an accident, for which, a criminal case was registered against him. Therefore, he was placed under suspension and subsequently, it was revoked. Thereafter, he was imposed with a punishment of stoppage of increment for four years with cumulative effect. The petitioner claims that he was acquitted from the criminal charges, by Judgment dated 04.08.2017 in S.T.C.No.76 of 2014 on the file of the District Munsif cum Judicial Magistrate, Rameshwaram. Therefore, he has submitted a representation dated 12.02.2020 to the respondents requesting them to re-consider the punishment order, based on the acquittal order passed by the District Munsif cum Judicial Magistrate, Rameshwaram in STC No. 76 of 2014 dated 04.08.2017 and to re-fix the terminal benefits and pay the



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difference amount in wages and terminal benefits. Since there was no response from the respondents, the present writ petition has been filed.

2. The petitioner is having an appeal remedy as against the order of punishment imposed by the disciplinary authority. However, without invoking the appeal remedy, the petitioner has wrongly has filed this writ petition.

3. Since the petitioner is having an appeal remedy before the first respondent/Managing Director, this writ petition is closed with liberty to the petitioner to file an appeal as per the Standing Orders, within a period of four weeks from the date of receipt of a copy of this order. In the event, if any such appeal is filed by the petitioner, the first respondent/Managing Director, shall consider the same without insisting on the limitation period. No costs.

20.12.2024

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NCC : Yes / No.
Index : Yes / No.
Internet: Yes / No.

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B.PUGALENDHI, J.

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