



W.P.(MD)No.23657 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 04.12.2024

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.23657 of 2017
and
W.M.P.(MD)No.19874 of 2017

C.Ravi

... Petitioner

versus

1. The Management of
Tamilnadu State Transport Corporation
(Kumbakonam) Ltd.,
Rep. By its Managing Director,
Kumbakonam.

2. The General Manager,
Tamilnadu State Transport Corporation
(Kumbakonam) Ltd.,
Nagappattinam Region,
Nagappattinam.

3. The Branch Manager,
Nagappattinam Branch,
Tamilnadu State Transport Corporation
(Kumbakonam) Ltd.,
Nagappattinam.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India,
seeking for the issuance of Writ of Certiorarified Mandamus, to call for the



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records relating to the impugned transfer order dated 25.10.2017 passed in TNSTC/T14/Na/015/2017 by the 2nd respondent, quash the same and consequently, direct the respondents 1 to 3 to permit the petitioner to join duty and further direct the respondents to treat the period from 12.10.2017 to the date of permitting him to join duty as his duty period for all purpose.

For Petitioner : Mr.S.Arunachalam

For Respondents : Mr.K.Jagadeesh Balan,
Standing Counsel

ORDER

The petitioner was a temporary Driver in the Tamilnadu Transport Corporation. On 08.10.2017, when he was driving a vehicle bearing registration No.TN49 N 1453, he hit a motorcyclist and due to the said impact, the motorcyclist succumbed to the injuries. Since the petitioner has caused an accident on 08.10.2017, he was placed under put off duty, by order dated 25.10.2017 passed by the second respondent. Challenging the same, the present writ petition has been filed.

2. The learned counsel for the petitioner submits that there is no provisions in the Standing Orders, enabling the authority to pass such an



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order of put off duty. In the absence of provisions under the Standing Orders, the 2nd respondent ought not to have passed such an order.

3. This Court verified with the learned Standing Counsel appearing for the respondents on the provisions which enable the Authority to pass an order of put off duty.

4. The learned Standing Counsel appearing for the respondents has admitted that there is no provisions in the Standing Orders enabling the authority to impose such punishment. However, considering the nature of accident caused by the petitioner, he was imposed with the punishment of put off duty, since he was working as a temporary driver.

5. It is reported that after filing this writ petition, the petitioner was subsequently provided duty from 19.12.2017 and his service was also regularized on 10.06.2020.

6. Since the learned Standing Counsel has agreed that there is no provisions in the Standing Orders enabling the authority to impose the



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punishment of put off duty, this writ petition is allowed and the impugned order dated 25.10.2017 passed by the second respondent is hereby set aside.

No costs. Consequently, connected miscellaneous petition is closed.

04.12.2024

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NCC : Yes / No.

Index : Yes / No.

Internet : Yes / No.

To

1. The Managing Director,
The Management of
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(Kumbakonam) Ltd.,
Kumbakonam.
2. The General Manager,
Tamilnadu State Transport Corporation
(Kumbakonam) Ltd.,
Nagappattinam Region,
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3. The Branch Manager,
Nagappattinam Branch,
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B.PUGALENDHI, J.

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