



W.P(MD)No.29686 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.12.2024

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.29686 of 2024 and
WMP(MD) No.25050 & 25051 of 2024

T.Balamurugan

... Petitioner

Vs

1.The Managing Director,
Tamil Nadu State Transport Corporation(Madurai) Ltd.,
Madurai Division,
Madurai.

2.The General Manager,
Tamil Nadu State Transport Corporation(Madurai) Ltd.,
Dindigul Region,
Dindigul.

...Respondents

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 order of the 1st respondent vide his proceedings in Ref.LD6BT/6253 dated 08.10.2024 confirming the impugned order passed by the 2nd respondent in Ref.LD6BT/6253 dated 25.07.2024, imposing punishment of 5 stages of the petitioners pay reduction and quash the same as illegal to restore his salary prior to the impugned order passed by the 2nd respondent with attendant benefits and for other reliefs.



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For Petitioner : Mr.J. Lawrance,
For Respondents : Mr.S.Siva Balaji
Standing Counsel

ORDER

The petitioner was appointed as a Driver in the respondent Corporation on 17.03.1997 and at present, he is working at Dindigul I Branch. On 0612.2023, the petitioner has reported about certain defects in the bus to the Assistant Manager. Later the Branch Manager had a wordy altercation with the petitioner regarding the defects of the bus and insisted him to take an alternate route. When the petitioner tried to explain him, he refused to listen and started to hit him, due to which, the petitioner sustained injuries and he was taken to the Government Medical College Hospital, Dindigul. According to the petitioner, though he has lodged a complaint as against the Branch Manager to the Inspector of Police, Batlagundu Police Station, they have not registered a case on his complaint. Instead, they have registered a case as against this petitioner, as if he has assaulted the Branch Manger in Crime No. 423 of 2023, dated 07.12.2023. In the meanwhile, the petitioner was



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placed under suspension by the respondent Corporation vide his proceedings in Ref.LD6BT/6253, dated 21.12.2023 that the petitioner has assaulted the Branch Manager by throwing a Chair. Thereafter, he was issued with a charge memo on 29.12.2023, the petitioner has submitted his explanation, raised objection for the appointment of the Superintendent as the enquiry officer, however, without considering the same, the enquiry officer has filed his report and a show cause notice was issued to this petitioner on 04.05.2024. Though the petitioner has submitted a detailed explanation, without considering the same, the second respondent by his proceedings, dated 25.07.2024 has imposed a punishment of reduction of pay by five stages. Challenging the same, the petitioner has filed an appeal before the first respondent. The first respondent, by his order, dated 08.10.2024, without any discussion, bluntly rejected the appeal in a single line that the appeal is dismissed, Therefore, the petitioner is before this Court.

2.The learned counsel appearing for the petitioner submits that there is no provision available under the Standing Orders for imposing such as punishment. Though the petitioner has disputed the



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appointment of enquiry officer, it was not considered by the Management. Having brought to the notice of the Management about the defects of the bus, the petitioner was issued with a charge memo and imposed with a punishment.

3.The learned Standing Counsel appearing for the respondent submits that the petitioner has repeatedly indulged in similar such offence and therefore, he was imposed with punishments for 50 times.

4.This Court considered the rival submissions made and also perused the materials placed on record.

5.The petitioner a driver of the respondent Corporation claims that for having reported about the defects in the bus, he was issued with a charge memo and imposed with the punishment of reduction of basic pay to five stages. It is also claimed on the side of the petitioner that except this charge memo, the petitioner has never ever been issued with any other charge memo and in fact, the petitioner



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was assaulted by the Manager, for which, he has lodged a complaint and a counter complaint has also been lodged by the Management. One of the main contention raised by this petitioner is that the Superintendent has been appointed as the enquiry officer and he is the subordinate to the Branch Manager, who is the root cause for the incident. On these grounds the petitioner has filed an appeal, however, the appellate Authority, without considering the grounds raised by the petitioner has rejected the appeal in a single line that the appeal is dismissed, without any discussion. On the side of the respondents, a stand has been taken that he was imposed with punishment for 50 times and the petitioner has attempted to assault the Manager. The order passed by the appellate authority itself would reveal that without application of mind, the order has been passed. On this ground alone, this Court is inclined to allow this writ petition and remand the matter back to the first respondent for fresh consideration.

6. Accordingly, this writ petition is allowed in the admission stage itself and the order of punishment imposed on the petitioner is hereby set aside and remanded the matter back for fresh



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consideration. The first respondent /the Appellate Authority shall consider the case of this petitioner with regard to the issues, if any, with the Branch Manager and the Assistant Manager. The Appellate Authority shall also consider the contention of this petitioner that the punishment imposed on the petitioner has not been contemplated under the Standing Orders of the Transport Corporations and pass a suitable order, after affording sufficient opportunity to this petitioner, within a period of four months from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous petitions are closed.

10.12.2024

NCC:Yes/No

Index:Yes

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To

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B.PUGALENDHI, J.

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