



W.P.No.1330 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.12.2025

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.1330 of 2024

B.Rethinakumar

... Petitioner

Vs.

1.M/s.State Express Transport Corporation,
Rep.by its Managing Director,
No.2, Pallavan Salai,
Chennai-600 002.

2.M/s.State Express Transport Corporation,
Rep.by its General Manager,
No.2, Pallavan Salai,
Chennai-600 002.

....Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records of the second respondent vide proceedings in Order No.08191/DL2/AVIPOKA/2014 dated 28.04.2016 and the records of the first respondent in Order No.002270/DL4/AVIPOKA/2023 dated 29.06.2023 and quash the same and consequently, direct the respondents to restore the two increments of the petitioner and revise the pensionary benefits to the petitioner.



W.P.No.1330 of 2024

For Petitioner : Mr.D.Soundar Raj
For Respondents : Mr.L.S.M.Hasan Fizal
Standing Counsel

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ORDER

This Writ Petition has been filed challenging the proceedings of the second respondent in Order No.08191/DL2/AVIPOKA/2014 dated 28.04.2016 and the proceedings of the first respondent in Order No.002270/DL4/AVIPOKA/2023 dated 29.06.2023 and for a consequential direction to the respondents to restore the two increments of the petitioner and revise the pensionary benefits to the petitioner.

2. The learned counsel appearing for the petitioner submits that the petitioner joined as Driver in the respondents Corporation and he was kept under suspension from 21.02.2014 to 22.03.2014 and the charges were framed against the petitioner vide Memo No.11/3/0014, for which, the petitioner furnished a reply dated 19.03.2014, narrating the incident and the Investigation Officers of the respondents Corporation inspected the accident spot and vehicle and gave a report that the accident occurred because of sudden crossing of the passenger. Without accepting his reply, enquiry was



W.P.No.1330 of 2024

conducted and the Enquiry Officer gave a report that the charges were proved, without examining the passengers traveled in the bus. The second respondent/Disciplinary Authority accepted the findings of the Enquiry Officer and issued second show cause notice dated 14.03.2016 to the petitioner proposing punishment of postponement of increment for a period of three years with cumulative effect, for which, the petitioner sent a reply dated 19.04.2016. However, punishment was imposed on 28.04.2016 postponing his increment for two years with cumulative effect. Against the punishment order dated 28.04.2016, the petitioner preferred a statutory appeal dated 18.04.2023 to the first respondent. The first respondent, after examination, rejected his appeal vide order dated 29.06.2023. Hence, the present writ petition has been filed.

3. When the matter is taken up for hearing today, the learned counsel appearing for the petitioner submits that it would suffice if this Court grants liberty to the petitioner to approach the concerned Labour Court for raising the Industrial Dispute as against the punishment imposed by the respondents.



W.P.No.1330 of 2024

4. Heard the learned counsel appearing for the petitioner and the learned Standing Counsel appearing for the respondents.

5. Considering the limited request made by the learned counsel appearing for the petitioner, this Court, without interfering with the impugned proceedings dated 28.04.2016 and 29.06.2023, grants liberty to the petitioner to approach the concerned Labour Court for raising the Industrial Dispute.

6. Accordingly, this Writ Petition is disposed of. There shall be no order as to costs.

01.12.2025

NCC: Yes / No
Index : Yes / No
Speaking Order : Yes / No
ssb



W.P.No.1330 of 2024

To

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W.P.No.1330 of 2024

M.DHANDAPANI, J.

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W.P.No.1330 of 2024

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