



WP No. 1440 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-03-2025

CORAM

THE HONOURABLE MRS JUSTICE N. MALA

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A.Arumugam

...Petitioner

Versus

1.The Managing Director
Tamil Nadu State Transport Corporation Limited.
No.12, Ramakrishna Road
Salem-7.

2.The General Manager,
Tamil Nadu State Transport Corporation Limited.
No.12, Ramakrishna Road
Salem-7.

3.The Branch Manager,
Tamil Nadu State Transport Corporation Limited.
Mettur Branch
Mettur Dam
Salem District.

...Respondents



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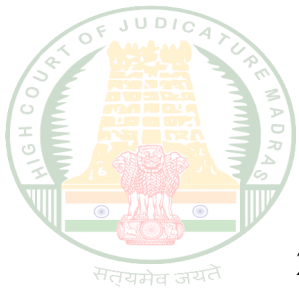
Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Certiorarified Mandamus, calling for the records relating to the impugned punishment order passed by the 2nd respondent dated 31.01.2020 in Memo No. 1123-20764-D3-TNSTC (SLM) 2018 and quash the same, consequently direct the respondents to provide all increments and other service and monietory benefits on par with others.

For Petitioner : Mr.M.R. Jothimanian

For Respondents : Mr.K.Raja

ORDER

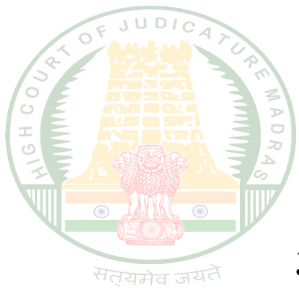
The writ petition is filed for the issuance of Writ of Certiorarified Mandamus to quash the impugned punishment order passed by the 2nd respondent dated 31.01.2020, in Memo No.1123-20764-D3-TNSTC (SLM) 2018 and for consequential direction to the respondents to provide all increments and other service and monetary benefits on par with others.



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2. The case of the petitioner is that he was appointed as a Conductor on 20.02.2008, by the 1st respondent and posted in the 3rd respondent/TNSTC. On 19.05.2018, when the petitioner was on duty in bus Route No.19, from Mettur to Pallipatti-Mecheri, one Manickam who was travelling in the bus, suddenly tried to alight from the moving bus, fell down and sustained injuries. A case was registered in Crime No. 76 of 2018, under Section 279 and 337 of IPC, on the file of Karumalaikoodal Police Station. After investigation, final report was filed before the Court. Whiles, the petitioner was issued charge-memo on 30.10.2018, to which he submitted his reply on 19.05.2018. Later, even without conducting a domestic enquiry, the 2nd respondent passed the impugned order on 31.01.2020, imposing the punishment of postponement of increment for a period of two years with cumulative effect. Aggrieved by the impugned order, the petitioner filed the above writ petition for the aforesaid relief.



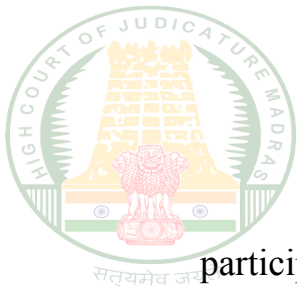
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3. The respondents filed a counter stating that charges were framed against the petitioner for misconduct of dereliction of duty. The respondents further stated that a domestic enquiry was conducted and charges were proved. On the basis of the proved charges in the domestic enquiry, the 2nd respondent passed the impugned punishment order imposing the punishment of postponing the increment for a period of two years with cumulative effect. The respondents, therefore, stated that the writ petition deserved no merits and was liable to be dismissed.

4. Heard both sides and perused the records.

5. The learned Counsel for the petitioner contended that the impugned punishment order was issued even without a domestic enquiry. However, at the time of hearing, the learned Counsel for the respondents produced a copy of the enquiry report and submitted that the petitioner



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participated in the domestic enquiry but failed to file any evidence. In

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view of the fact that enquiry report is produced before the Court, the contention that no domestic enquiry was conducted is not accepted.

However, the respondents without issuing any notice calling for the objections of the petitioner to the enquiry report straight away issued the

2nd show cause notice calling for the petitioner's objection to the proposed punishment. The respondents were bound to call for the petitioner's

objection to the enquiry report, consider the same and thereafter decide on the punishment. In my view, therefore, there is a procedural lapse in the

conduct of the disciplinary proceedings. Hence, in my view the impugned order cannot be sustained and so the same is set aside. The matter is

remitted to the 2nd respondent for fresh consideration. The second respondent is directed to issue fresh show cause notice to the petitioner

along with enquiry report calling for his explanation to the enquiry findings, within a period of three weeks from the date of receipt of a copy

of this order. On receipt of the show cause notice, the petitioner shall



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submit his explanation along with supporting documents within a period of

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two weeks. On receipt of the same, the 2nd respondent thereafter shall pass appropriate orders, on merits and in accordance with law within a period of four weeks thereafter.

6. Accordingly, the writ petition is allowed. There shall be no order as to costs.

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Index : Yes/No

Internet : Yes/No

Speaking Order : Yes/No

MSM

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