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W.P.No.5910 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.06.2025

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THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

W.P.No.5910 of 2025

P.Venkatachalam

... Petitioner

Vs.

- 1.The Managing Director,
The Tamilnadu State Transport Corporation (Coimbatore) Limited,
Head Office, Mettupalayam Road,
Coimbatore – 641 043.
- 2.The General Manager,
The Tamilnadu State Transport Corporation (Coimbatore) Limited,
No-45, Sennimalai Road,
Erode District – 638 001.
- 3.The Branch Manager,
Perundurai Bus Depot,
The Tamilnadu State Transport Corporation (Coimbatore) Limited,
Perundurai,
Erode District – 638 052.
- 4.The Chairman,
The Regional Medical Board,
Rajiv Gandhi Government General Hospital,
Chennai – 600 003.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to
issue a Writ of Certiorarified Mandamus calling for the records relating



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to the order of the second respondent dated 20.03.2022 bearing Pa.No.1 /T12/581/Sattam/TaAPoka/Ema/2019 and to quash the same as illegal and consequently direct the 1st and 2nd respondents to restore the related increments, and also to provide the backwages, continuity of service and other attendant benefits from 09.02.2019 to 04.07.2023 to the petitioner, within any reasonable time as this Hon'ble Court.

For Petitioner : Mr.S.R.Karthikeyan

For Respondents : Mr.M.Murali Vinodh for R1 to R3
Standing Counsel
Mr.K.Tippu Sultan for R4
Government Advocate

O R D E R

The present writ petition has been filed challenging the final order passed by the second respondent on 20.03.2022 in and by which the petitioner was imposed with the punishment of withholding of increments for three months.

2.The learned counsel appearing for the petitioner would submit that the petitioner has got 10% of disability, therefore, he ought to have been given alternative job instead of driver, inspite of that



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he has been forced to drive the vehicle. Since the petitioner did not turn out for duty as driver obfuscate charge sheet was issued and ultimately punishment was imposed. Therefore, prayed to interfere with the same.

3.At this juncture, the learned Standing Counsel would submit that there is an appeal remedy available to the petitioner and would further submit that though impugned order was passed during the year 2022, the writ petition has been filed after a lapse of more than two years and that there are no ground made out to maintain the writ petition before this Court.

4.I have given my anxious consideration to either side submission.

5.From the submissions made by the learned counsel appearing for the petitioner, this Court do not find any ground to maintain the writ petition when the alternative remedy is available as contemplated under judgment reported in AIR 2003 SCC 1623 [Kunal Singh Vs. Union of India and another].



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6. Therefore as rightly contended by the learned Standing Counsel, this writ petition is not maintainable. However, considering the disability sustained by the petitioner, while dismissing the writ petition, this Court would like to give opportunity to the petitioner to contest the appeal according to its own merits.

7. In such view of the matter, the petitioner is at liberty to approach the appellate authority, within a period of two weeks from the date of receipt of a copy of this order. On filing of such appeal, the appellate Authority is directed to dispose of the same upon its own merits and in accordance with law, as expeditiously as possible.

8. The writ petition is dismissed with the above direction. No costs.

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



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C.KUMARAPPAN,J.
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