



WEB COPY

WP No. 39244 of 2015



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 14-08-2025**

CORAM

**THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR**

**WP No. 39244 of 2015**

**and**

**W.M.P.No.1 of 2015**

R.Raju,  
S/o.P.Rathinasamy,  
Divisional Manager, Tamilnadu State  
Transport Corporation Ltd., Sankagiri  
Division, Salem District.

Petitioner(s)

Vs

The Managing Director,  
Tamil Nadu State Transport  
Corporation Ltd.,  
Salem Division,  
12, Ramakrishna Salai,  
Salem & District.

Respondent(s)

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorari, calling for the records pertaining to the impugned order passed by the respondent vide his office proceedings No. Ku.No.295-28886-T2-ThaAPoKa-2012 dated 26.09.2015 and quashes the same.



WEB COPY

WP No. 39244 of 2015



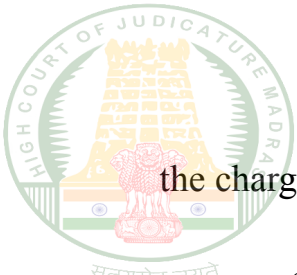
For Petitioner(s): Mr.M.Karthik  
for M/s.I.C.Vasudevan

For Respondent(s): Mr.M.Aswin  
Standing Counsel

### **ORDER**

While the petitioner was working as Divisional Manager in Tamil Nadu State Transport Corporation Limited, Sankagiri Division, Salem District, he was subjected to Disciplinary Proceedings by issuing a charge memo dated 31.10.2012, on the ground that the petitioner failed to supervise as to whether the technical staff are properly supervising and undertaking the maintenance of buses, which resulted in termination of the bus route and thereby, the petitioner is alleged to have acted in a reckless and negligent manner, causing loss of Revenue and unnecessary inconvenience to the Corporation.

2. In response to the same, the petitioner had submitted his explanation denying the charges and thereafter, the Enquiry Officer was appointed and Enquiry Officer having conducted an enquiry, submitted his report, holding that



the charges levelled against the petitioner were proved. Thereafter, a copy of the report of the Enquiry Officer was furnished to the petitioner affording an opportunity to submit further response. Accordingly, the petitioner had submitted his further explanation on 28.08.2013 and thereafter, the respondent passed the impugned order dated 26.09.2015, imposing the punishment of stoppage of increment for a period of one year with cumulative effect. It is aggrieved by the said proceedings dated 26.09.2015 passed by the respondent, the petitioner had filed the present writ petition.

3. The learned counsel for the petitioner contended that the impugned order came to be passed by the respondent without application of mind and without referring to the basic facts and without considering the explanation and further explanation submitted by the petitioner and also further contended that the respondent failed to take into consideration the objections raised by the petitioner against the report of the Enquiry Officer.

4. Though the respondent filed a counter affidavit, except reiterating the



charges levelled against the petitioner, there is nothing stated in the counter affidavit.

5. A perusal of the impugned order dated 26.09.2015, disclose that the respondent while passing the said order, except referring to the charge memo, explanation and the report of the Enquiry Officer, there was no discussion at all. The impugned order is cryptic in nature. The punishment of stoppage of increment for a period of one year with cumulative effect will have impact on the terminal and pensionary benefits that would be payable to the petitioner on superannuation, and the same to be considered as a major punishment. The respondent while imposing the major punishment of stoppage of increment for a period of one year with cumulative effect, ought have considered the stand of the petitioner as stated in further explanation, dated 28.08.2013, besides considering the other materials that was brought on record during the course of enquiry. But in the impugned order, there is nothing of such consideration by the respondent. Thus, the impugned order is in cryptic in nature and is liable to be set aside.



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6. This Court having arrived at the above conclusion, also carefully considered as to whether this matter be remanded to the respondent for reconsideration. Taking into consideration of the fact that the petitioner herein has already retired from the service on attaining the age of superannuation as early as on 31.07.2016 and also taking into consideration the trivial nature of charges, for which, the petitioner herein can only be remotely held responsible, does not deem it appropriate to permit the respondent re-do the entire exercise. Thus, this Court is of the considered view that the matter should be put at rest once for all. Accordingly, the impugned order is quashed, to the extent of giving cumulative effect to the punishment of stoppage of increment.

7. In the result, the writ petition is partly allowed. No costs.

Consequently, connected Miscellaneous Petition is closed.

**14-08-2025**

jd

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



WEB COPY

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**MUMMINENI SUDHEER KUMAR J.**

jd

To

The Managing Director,  
Tamil Nadu State Transport Corporation Ltd.,  
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12, Ramakrishna Salai,  
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