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W.P.No.24834 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.07.2025

CORAM

THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

W.P.No.24834 of 2025
and
W.M.P.No.27999 of 2025

R.K.Palanivel

... Petitioner

Vs.

The General Manager,
Tamil Nadu State Transport Corporation,
Villupuram Ltd.,
Villupuram – 605 002.

... Respondent

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned proceedings in க.கு.எண்.7079/7-179/டி5/த.நா.அ.போ.க(வி).விழு/2024 dated 18.03.2025, on the file of the respondent herein and to quash the same and to direct the respondent to give all concomitant benefits as accrued to him, within a time frame as may be fixed by this Court.



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For Petitioner : Mr.W.M.Abdul Majeed

For Respondent : M/s.S.Pavithra
Standing Counsel

ORDER

By consent of both the learned counsel for the parties, the Writ Petition is taken up for final disposal, at the admission stage itself.

2. Heard the learned counsel for both sides and perused the materials available on record.

3. The instant writ petition has been filed challenging impugned order passed by the respondent in Ka.Ku.No.7079/7-179/D5/Tha.Na.A.Po.Ka(Vi).ViMu/2024, dated 18.03.2025 by and in which the petitioner was imposed with a punishment of withholding of increment for 3 years with cumulative effect and also regularised his suspension period from the available leave of the petitioner.

4. The learned counsel for the petitioner would submit that the petitioner was working as Conductor since 2007. It is the submission of the



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petitioner that on 23.05.2024 a charge memo was issued to the petitioner by the respondent on the ground that he was responsible for the death of the passenger, as he failed to caution the said passenger. After the explanation submitted by the petitioner, the above said impugned order was passed. It is the submission of the petitioner that there was no delinquency on the part of the petitioner and it was only the driver, who made mishap, but the Disciplinary Authority without taking into consideration of the material aspect and against the evidence has found that the petitioner was guilty and also imposed impropportionate punishment. Hence, prayed to interfere with the same.

5. At this juncture, the learned Standing Counsel appearing for the respondent would submit that the petitioner has got an appellate remedy before the Managing Director, which has been categorically mentioned in the order itself.

6. I have given my anxious consideration to the submissions made on either side.



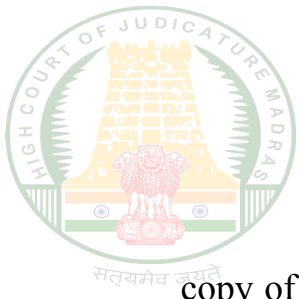
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7. The mere existence of alternative remedy will not always be a bar to file a writ petition. However, if there is an appeal remedy only under certain circumstances, writ petition is maintainable. According to the judgment of the Hon'ble Supreme Court in *Whirlpool Corporation vs. Registrar of Trade Marks, Mumbai and others reported in 1998 (8) SCC 1*, whenever, an impugned order is passed by the Incompetent Person, and when the order affects the fundamental rights, and apart from that, when the impugned order passed without following the principles of natural justice, the writ petition is maintainable. But in the case in hand, the situation has not arise. But contrarily the submissions of the learned counsel for the petitioner entirely revolves around the factual positions, which cannot be adjudicated by the Writ Court.

8. It is appropriate to mention here that, only the Appellate Authority may reappreciate the evidence and give a finding in this regard. In such view of the position, this Court do not find any merits in the present writ petition.

9. However, the petitioner is given liberty to file an appeal before the Appellate Authority, within a period of two weeks from the date of receipt of



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copy of this order. If any such appeal has been filed, the Appellate Authority is directed to dispose of the same, as expeditiously as possible, on it's own merits and in accordance with law.

10. In the result, the Writ Petition is dismissed. No costs.
Consequently, the connected writ miscellaneous petition is closed.

09.07.2025

Index : Yes/No
Speaking order
Neutral Citation : Yes/No
dm

To

The General Manager,
Tamil Nadu State Transport Corporation,
Villupuram Ltd.,
Villupuram – 605 002.



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C.KUMARAPPAN, J.

dm

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