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W.P No.26409 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.07.2025

CORAM

THE HONOURABLE MR. JUSTICE C. KUMARAPPAN

Writ Petition No.26409 of 2025

and

Writ Miscellaneous Petition No.29742 of 2025

G.Thangavel

... Petitioner

..Vs..

The Managing Director,
Tamil Nadu State Transport Corporation (VPM) Ltd.,
No.3/137, Salamedu, Villupuram Region,
Valuthareddy – Post, Villupuram – 605 602.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Certiorarified Mandamus to call for the records of the impugned order Ka.Ku.No.27/327/Corp.Legal-1/TNSTC(V)/2023 dated 05.05.2025 on the file of the respondent and to quash the same and to direct the respondent to immediately remit the recovered amount from monthly salary till date with interest to the petitioner and consequently to direct the respondent to consider the Suspension period of 76 days as 'leave with full wages' and direct the respondent to pay the full wages for the suspension period of 76 days deducting the amount paid as subsistence allowance for that period.

For Petitioner : Mr.Satheesh Kumar.S

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



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ORDER

The instant writ petition has been filed challenging the impugned order dated 05.05.2025.

2. The learned counsel for the petitioner submits that, for the alleged misappropriation of funds, a charge memorandum was issued to the petitioner on 28.06.2023. In response, the petitioner submitted his explanation on 06.07.2023. Upon receipt of the explanation, the respondent initiated a domestic enquiry by appointing an Enquiry Officer, who, after conducting the enquiry, submitted his report on 25.05.2024. The learned counsel further submits that, upon receiving a copy of the enquiry report, the petitioner submitted his further representation on 11.06.2024. After considering his further representation, the impugned order dated 05.05.2025 was passed, imposing the punishment of withholding two annual increments and ordering recovery of the principal amount allegedly misappropriated, along with interest, to be paid in eight installments. The learned counsel also contends that, though an appellate remedy is available, the writ petition is maintainable in this case as the respondent failed to observe principles of natural justice.



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3. In support of his contention, the learned counsel submits that, despite an assurance made during the domestic enquiry proceedings on 07.10.2023 to provide a copy of the challan, the same was not furnished, as is evident from the minutes of the enquiry proceedings dated 29.12.2023. Hence, the learned counsel prays that this Court interfere with the impugned final order.

4. The learned Standing Counsel appearing on behalf of the respondent submits that, since an alternative appellate remedy is available, the writ petition is not maintainable. The learned counsel further submits that the availability of the appellate remedy has been clearly mentioned in the impugned order itself. Hence, the learned counsel prays for dismissal of the writ petition.

5. I have given my anxious consideration to the either side submissions and also perused the materials available on record.

6. It is a well settled principles of law that a writ petition is maintainable despite the availability of an appellate remedy only in exceptional circumstances such as when there is a violation of the principles



of natural justice, infringement of fundamental rights, or when the impugned order has been passed by an authority lacking jurisdiction or competence.

7. The main grievance urged by the petitioner in support of maintaining the writ petition is that, no document was served upon him as a fact allegedly admitted by the respondent. However, the proceedings dated 29.12.2023 it has been categorically stated that, the said document is not at all available with the disciplinary authority. Therefore, when the authority itself has confirmed that the document does not exist, it is too far fetched to direct them to provide it to the petitioner. If at all, the petitioner has got any grievance in respect of non-submission of the document, it is open to him to raise the issue before the appellate authority as to how such document is relevant and how its absence has to prejudice his case. This is nothing but a factual aspect could only be appreciated by the appellate authority. Hence, the petitioner has failed to satisfy the triple test provided under the Judgment of the Hon'ble Supreme Court of India in ***Whirlpool Corporation vs. Registrar of Marks, reported in (1998) 8 SCC 1*** case. As rightly pointed out by the learned counsel for the respondent, an appellate remedy is available to the petitioner. Thus, this Court does not find any merits in the present writ petition.



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8. In the result, the writ petition is dismissed. However, the petitioner is given liberty to approach the appellate authority in accordance with law. No costs. Consequently, the connected miscellaneous petition stands closed.

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Index : Yes

Speaking Order : Yes /No

Neutral Citation Case: Yes/No

To:

The Managing Director,
Tamil Nadu State Transport Corporation (VPM) Ltd.,
No.3/137, Salamedu, Villupuram Region,
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C. KUMARAPPAN, J.

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