

W.P.(MD)No.2234 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.09.2025

CORAM

THE HONOURABLE MR JUSTICE ABDUL QUDDHOSE

W.P.(MD)No.2234 of 2021

and

W.M.P.(MD).No.1855 of 2021

G.Giridharan

... Petitioner

Vs.

- 1.The Managing Director,
Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
Kumbakonam, Thanjavur District.
- 2.The General Manager,
Tamilnadu State Transport Corporation (Kumbakonam) Ltd.,
Kumbakonam Branch,
Thanjavur District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned orders passed by the first respondent in his proceedings in No.TNSTC/Legal/L2/15834/2020, dated 26-12-2020, as well as the proceedings issued by the second respondent in Na.Ka.No.TNSTC/Kumba/T10/TN2/218/2018, dated 18-07-2019 and quash the same and consequently direct the respondents to fix the seniority of the



W.P.(MD)No.2234 of 2021

petitioner on par with his colleagues and pay all attendant and monetary benefits thereon within the time stipulated by this Court.

For Petitioner : Mr.C.Jeganathan

For Respondents : Mr.S.C.Herold Singh,
Standing Counsel

ORDER

This Writ Petition has been filed challenging the impugned orders passed by the first respondent dated 26.12.2020 and the second respondent dated 18.07.2019.

2. The second respondent, by the impugned order dated 18.07.2019, imposed the punishment of stoppage of increment for two years with cumulative effect on the petitioner. The said order was confirmed by the first respondent under the impugned order dated 26.12.2020. The petitioner contends that since his leave has subsequently been regularized, the charges framed against the petitioner based on the petitioner's alleged unauthorized absence has to go and therefore, the impugned orders are liable to be quashed.

3. The learned counsel appearing for the petitioner drew the attention of this Court to the order passed by the respondents regularizing the petitioner's



W.P.(MD)No.2234 of 2021

leave, which is the subject matter of the charge memo issued to the petitioner,

which resulted in passing of the impugned orders. He would further submit that once the petitioner's leave has been regularized, the question of imposing punishment on the petitioner based on the charge memo does not arise.

4. On the other hand, the learned Standing Counsel appearing for the respondents would submit that unauthorized absence was not the only reason for issuance of the charge memo on the petitioner. He would further submit that the petitioner was also charged with dereliction of duty in failing to hand over the keys pertaining to the issuance of free passes and for refusing to perform duties other than those in the computer section, which were also part of the charge memo.

5. However, as seen from the impugned order passed by the first respondent, who is the appellate authority, the contentions of the petitioner as raised in this Writ Petition have not been considered and it is a non-speaking order insofar as the petitioner's contentions are concerned. Before, this Court, the learned counsel appearing for the petitioner drew the attention of this Court to an order dated 15.07.2022 passed by this Court in W.P.(MD).No.31934 of 2014 and in the said order, he would submit that it has been made clear that if



W.P.(MD)No.2234 of 2021

the leave is regularized and charges have been framed only based on

unauthorized absence for the said leave period, which was regularized, the

question of imposing punishment does not arise. As seen from the impugned

order passed by the first respondent, who is the appellate authority, the

contention of the petitioner as raised in this writ petition and as stated supra has

not been considered and it is a non-speaking order. Though the respondents

may dispute the contentions of the petitioner as raised in this Writ Petition

through their counter filed before this Court, the first respondent ought to have

passed a speaking order, but having failed to pass a speaking order, this Court

has to necessarily quash the impugned order passed by the first respondent and

remand the matter back to the first respondent for fresh consideration on merits

and in accordance with law after giving due consideration to the contentions of

the petitioner as raised in this Writ Petition and also after giving due

consideration to the order dated 15.07.2022 passed by this Court in ***W.P.***

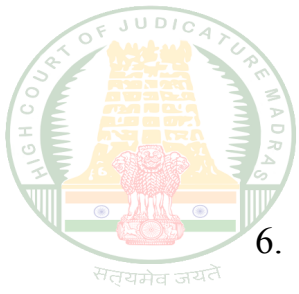
(MD).No.31934 of 2014 in the case of ***C.Jagadeesan Vs. The Additional***

Director General of Police, Economic Offences Wing, Anna Nagar,

Chennai-40 and another referred to supra. Since this writ petition was filed in

the year 2021 itself, a time frame will have to be fixed by this Court for the first

respondent to pass final orders.



W.P.(MD)No.2234 of 2021

6. For the foregoing reasons, the impugned order dated 26.12.2020 passed by the first respondent (appellate authority) is hereby quashed and the matter is remanded back to the first respondent for fresh consideration on merits and in accordance with law. The first respondent shall pass final orders after giving due consideration to the contentions raised by the petitioner herein in this writ petition and also by giving due consideration to the order dated 15.07.2022 passed by this Court in ***W.P.(MD).No.31934 of 2014*** in the case of ***C.Jagadeesan Vs. The Additional Director General of Police, Economic Offences Wing, Anna Nagar, Chennai-40 and another*** within a period of eight weeks from the date of receipt of a copy of this order.

7. With the aforesaid direction, this Writ Petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

08.09.2025

NCC:yes/no
Index:yes/no
Internet:yes/no
TSG



WEB COPY



W.P.(MD)No.2234 of 2021

ABDUL QUDDHOSE, J.

TSG

W.P.(MD)No.2234 of 2021

08.09.2025