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Cont. P(MD)Nos.264, 266 & 267 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.11.2025

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Cont. P(MD)Nos.264, 266 & 267 of 2023

in

W.P.(MD)No.11211 of 2013

&

W.P.(MD)No.14229 of 2018

&

W.P.(MD)No.19379 of 2021

D.Pandi

... Petitioner
in all Cont.Ps.

Vs.

1.A.Arumugam

The Managing Director,
Tamil Nadu State Transport Corporation (Madurai) Ltd.,
Byepass Road,
Madurai.

2.S.Sivalingam,

The General Manager,
Tamil Nadu State Transport Corporation (Madurai) Ltd.,
Virudhunagar Region,
Virudhunagar.

... Respondents
in all Cont.Ps.

Prayer in Cont.P.(MD)No.264 of 2023: Contempt Petition filed under
Section 11 of the Contempt of Courts Act, 1971, to initiate contempt



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proceedings against the contemnors / respondents 1 & 2 and punish them for the willful disobedience of the order of High Court in W.P.(MD)No. 11211 of 2013, dated 02.09.2022 under the Contempt of Courts Act.

Prayer in Cont.P.(MD)No.266 of 2023: Contempt Petition filed under Section 11 of the Contempt of Courts Act, 1971, to initiate contempt proceedings against the contemnors / respondents 1 & 2 and punish them for the willful disobedience of the order of High Court in W.P.(MD)No. 14229 of 2018, dated 02.11.2022 under the Contempt of Courts Act.

Prayer in Cont.P.(MD)No.267 of 2023: Contempt Petition filed under Section 11 of the Contempt of Courts Act, 1971, to initiate contempt proceedings against the contemnors / respondents 1 & 2 and punish them for the willful disobedience of the order of High Court in W.P.(MD)No. 19379 of 2021, dated 02.11.2022 under the Contempt of Courts Act.

For Petitioner : Mr.V.Ajoy Khose
(in all Cont.Ps) for Mr.A.Rahul

For Respondents : Mr.S.C.Heroldsingh
(in all Cont.Ps)



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COMMON ORDER

Heard both sides.

2. The petitioner is working as driver in the respondent corporation. The vehicle driven by him met with an accident on 04.07.2010. In this regard, he was placed under suspension. The suspension was revoked in April 2016. Minor punishment was imposed on 11.05.2018. Challenging the same, the petitioner filed W.P.(MD)No. 14229 of 2018. In the meanwhile, the petitioner was originally working as temporary employee. Seeking conferment of permanent status, he moved the authority under the statute and his claim was accepted and allowed. Challenging the same, the management filed W.P.(MD)No. 11211 of 2013. The writ petition was dismissed by this Court vide order dated 02.09.2022. In the meanwhile, W.A.(MD)No.1062 of 2016 filed by the Management was also dismissed on 15.07.2016. This order had become final. Contending that the monetary benefits arising out of the conferment of permanent status have not been settled, this contempt petition came to be filed.



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3. Earlier, the petitioner had filed W.P.(MD)No.14229 of 2018 challenging the punishment imposed on him on 11.05.2018. The writ petition was partly allowed by me on 02.11.2022 in the following terms:-

“6. The impugned order is vulnerable on more than one ground. The Hon'ble Apex Court in the decision reported in (2012) 5 SCC 242 (Vijay Singh Vs. State of U.P.) held that the disciplinary authority cannot impose punishment that has not been prescribed under the statutory Rules. I had followed the said decision in a case involving an employee of State Transport Corporation. I had held in W.P.(MD)No.20629 of 2022 dated 11.10.2022 that the Management of the State Transport Corporation cannot impose punishment that has not been prescribed in the certified Standing Orders. The punishment set out in the impugned order is not one of the punishments set out in the certified Standing Orders. However, the petitioner's counsel states that he has no objection for modifying the punishment order in tune with the order dated 02.09.2022 made in W.P.(MD)No.11211 of 2013. Accordingly, it is ordered that the petitioner shall be conferred with permanent status on completion of 720 days from 01.08.2008.”

While allowing the petitioner's writ petition, I had held that he will not be entitled to any backwages for the period of suspension. This has been construed by the management that they can adjust the subsistence allowance paid by the management for the said period.



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4. This is clearly impermissible in law. When an employee is placed under suspension, the management is obliged to pay him subsistence allowance. It is a statutory obligation, from which, there is no escape. The calculation memo submitted by the management has to be rejected on this sole ground.

5. There upon, the learned standing counsel on instructions states that the benefit payable to the writ petitioner will be re-quantified and the balance amount shall be paid within a period of four months from today. Since such a specific commitment has been given, the contempt petitions stand closed. If the undertaking given today is not complied with, the petitioner is at liberty to file MP for re-opening the same. If such re-opening is necessitated, the conduct of the respondents will be viewed very seriously.

6. These contempt petitions are closed accordingly.

17.11.2025

Index: Yes/No
Internet: Yes/No
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G.R.SWAMINATHAN, J.

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