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W.P.(MD) No.6133 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.11.2025

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.(MD) No.6133 of 2021

and

W.M.P.(MD) No.5604 of 2021

P.Ponnu Muniyasamy

... Petitioner

-vs-

The General Manager
Tamil Nadu State Transport
Corporation (Kumbakonam) Ltd.
Karaikudi Region, Managiri (PO)
Maruthupathi, Karaikudi
Sivagangai District

... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorari calling for records pertaining to the impugned order of the respondent in Ref.TNSTC/TS/T2/43/19 dated 19.09.2019 and quash the same as illegal.

For Petitioner : Mr.G.M.Xavier

For Respondent : Mr.K.Raamiah
Standing Counsel



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ORDER

This writ petition has been filed challenging the impugned order dated 19.09.2019, passed by the respondent, imposing the punishment of increment cut for a period of one year with cumulative effect on the petitioner.

2. The petitioner is working as a Driver in the respondent – Transport Corporation. He has been charged in the disciplinary proceedings, on the ground that the bus, which he was driving, stopped on account of want of fuel, which resulted in filling up of 20 Litres of diesel to the bus from the workshop and as a result of the same, the entire journey got delayed.

3. In the disciplinary proceedings, charges have been framed against the petitioner for driving the bus in an improper way and for not attaining the required mileage. The petitioner claims that the charges framed against him are false. He has submitted an explanation on 20.04.2019 requesting the respondent to produce the basic report and other particulars about the quantum of diesel filled up in the bus, which he was driving, bearing registration No.TN36 N1816. According to the petitioner, without serving the basic report and other particulars about the quantum of diesel



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filled up in the bus, which he was driving, bearing registration No.TN36 N1816, he has been served with the impugned order dated 19.09.2019 imposing the punishment of increment cut for a period of one year with cumulative effect. According to the petitioner, in violation of the principles of natural justice and through a non-speaking order, the impugned punishment order has been passed against him.

4. Till date counter has not been filed by the respondent – Transport Corporation before this Court, despite sufficient opportunity having been granted by this Court for the same. This writ petition is of the year 2021. Therefore, no indulgence can be shown by this Court for granting further time for filing counter.

5. Learned counsel for the petitioner drew the attention of this Court to a decision of the Honourable Supreme Court in the case of **Kulwant Singh Gill vs. State of Punjab**, reported in **1991 Supp (1) SCC 504**. Relying upon the said decision, he would submit that mere issuance of a show cause notice by the respondent will not suffice in the disciplinary proceedings and necessarily, a regular enquiry ought to have been conducted by the



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respondent for imposing a punishment.

6. Admittedly, in the instant case, the punishment of increment cut for a period of one year with cumulative effect has been imposed on the petitioner without conducting an enquiry. The petitioner has also submitted an explanation on 20.04.2019 to the respondent, wherein, he has denied the alleged misconduct and he has also requested the respondent to produce the basic report and other particulars about the quantum of diesel filled up in the bus, which he was driving, bearing registration No.TN36 N1816. However, despite the said explanation, the respondent, without considering the same, has passed the impugned order dated 19.09.2019 imposing the punishment of increment cut for a period of one year with cumulative effect on the petitioner. Since the impugned punishment order has imposed a punishment on the petitioner with cumulative effect, this Court is of the considered view that without conducting an enquiry, the respondent ought not to have passed the impugned order imposing the punishment of increment cut for a period of one year with cumulative effect. The decision of the Honourable Supreme Court in **Kulwant Singh Gill's** case, referred to supra, squarely applies to the facts of the instant case. Despite the petitioner's request to produce the basic report



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and other particulars about the quantum of diesel filled up in the bus, which he was driving, bearing registration No.TN36 N1816, the respondent has not given the document / particulars required by the petitioner through his explanation dated 20.04.2019.

7. For the foregoing reasons, this Court is of the considered view that the impugned order has been passed in violation of the principles of natural justice. Hence, the impugned order dated 19.09.2019, passed by the respondent, has to be quashed and the matter has to be remanded back to the very same respondent for fresh consideration on merits and in accordance with law, within a time frame to be fixed by this Court.

8. Learned counsel for the petitioner also submitted, on instructions, that the petitioner shall not seek any claim till final orders are passed by the respondent pursuant to the order of remand passed by this Court today.

9. Accordingly, the impugned order dated 19.09.2019, passed by the respondent, is hereby quashed and this writ petition is disposed of by



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remanding the matter back to the respondent for fresh consideration on merits and in accordance with law. The respondent shall pass final orders by adhering to the principles of natural justice, after conducting a proper enquiry, within a period of twelve weeks from the date of receipt of a copy of this order. Till final orders are passed, the petitioner shall not make any claim against the respondent pertaining to the subject matter of this writ petition. No costs. Consequently, connected miscellaneous petition is closed.

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NCC : Yes / No
Index : Yes / No
Internet : Yes / No

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ABDUL QUDDHOSE, J.

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