



W.P.(MD)No.6548 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 12.03.2025

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THE HONOURABLE MR.JUSTICE BATTU DEVANAND

W.P.(MD)No.6548 of 2025

and

W.M.P(MD)Nos.4811 and 4813 of 2025

R.Thiyagarajan

... Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Transport Corporation (Kumbakonam) Limited,
Kumbakonam,
Thanjavur District.

2.The General Manager,
Tamil Nadu State Transport Corporation (Kumbakonam) Limited,
Trichy Region,
Periyamilaguparai,
Trichirapalli District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records to quash the impugned order, dated 29.01.2025 in பார்வை: TNSTC/TRY/DS-1792/ABSO19/D2-4475/2024 passed by the second respondent and consequently to direct the second respondent to provide permanent alternative employment to the petitioner and further directing the



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respondents to pay all arrears of salary for the past 55 months, along with interest.

For Petitioner : Mr.N.Sudhagar Nagaraj

For Respondent : Mr.K.Jagadeesh Balan
Standing Counsel

ORDER

This writ petition has been filed against the proceedings, dated 29.01.2025 issued by the second respondent, wherein, the punishment of deferring an annual increment for a period of one year with cumulative effect for un-authorised absent of the petitioner for duties from 21.06.2024 to 23.01.2025 is imposed.

2. The petitioner is working as Conductor in the respondent Corporation. For his unauthorised absent from 21.06.2024 to 23.01.2025, the punishment was imposed against him.

3. The learned counsel for the petitioner submits that due to medical conditions of the petitioner, he could not attend the duty and he requested the respondents to provide alternative employment due to his health condition. He was certified by the Rajiv Gandhi Government General Hospital, Chennai as he



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was suffering 80% permanent disability. The learned counsel for the petitioner further contends that consequent to the order of this Court, dated 23.08.2024 in W.P(MD)No.20539 of 2023, the respondents provided alternative employment to the petitioner.

4. The learned standing counsel for the respondents would submit that the statutory appeal is available to the petitioner to file an appeal before the Managing Director within a period of 60 days, if he so aggrieved by the order passed by the second respondent.

5. Having heard the submissions of the respective learned counsels, it is true that appeal is available against the order passed by the second respondent, which is impugned in this writ petition. As and when the statutory remedy of appeal is available, without exhausting the same filing the writ petition before this Court is not acceptable and writ petition is also not maintainable.

6. In view of the same, this writ petition is disposed of with liberty to the petitioner to approach the first respondent, who is the appellate authority by filing appeal. The petitioner is entitled to raise all his grounds in the said appeal.



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On receipt of the appeal, the first respondent shall consider it and dispose of the

same within a period of three months from the date of receipt of a copy of this order by following due process of law. No costs. Consequently, connected miscellaneous petitions are closed.

12.03.2025

NCC:yes/no
Index:yes/no
Internet:yes/no
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To:

- 1.The Managing Director,
Tamil Nadu State Transport Corporation (Kumbakonam) Limited,
Kumbakonam,
Thanjavur District.
- 2.The General Manager,
Tamil Nadu State Transport Corporation (Kumbakonam) Limited,
Trichy Region,
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BATTU DEVANAND, J.

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