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W.P.(MD) No.9081 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.09.2025

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.(MD) No.9081 of 2021
and
W.M.P.(MD) No.6838 of 2021

J.Abujahir Raja

... Petitioner

-vs-

The General Manager
Tamil Nadu State Transport
Corporation (Kumbakonam) Ltd.,
Karaikudi Region, Managiri (Post)
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/T5/19/2020 dated 25.08.2020 quash the same as illegal.

For Petitioner : Mr.G.M.Xavier

For Respondent : Mr.K.Ramiah
Standing Counsel

Page 1 of 7



W.P.(MD) No.9081 of 2021

WEB COPY

ORDER

This writ petition has been filed challenging the impugned order dated 25.08.2020, passed by the respondent imposing the punishment of stoppage of increment for a period of six months without cumulative effect on the petitioner. The petitioner has challenged the impugned order, on the ground of violation of principles of natural justice.

2. The respondent issued a charge memo dated 23.01.2020 on the petitioner alleging that, while he was on duty as a Conductor on 18.11.2019, he did not fill up the warrant given by a Police Constable and only after seeing the Checking Inspectors, he had filled up the said warrant.

3. However, the said charge has been denied by the petitioner, as seen from the affidavit filed in support of this writ petition. The petitioner has also sent a detailed explanation to the respondent on 10.06.2020 denying the allegations levelled against him in the charge memo and he has requested the respondent to conduct a domestic enquiry.



W.P.(MD) No.9081 of 2021

WEB COPY

4. The respondent has not chosen to conduct any domestic enquiry, but, instead sent a second show cause notice to the petitioner on 20.06.2020. The petitioner contends that the respondent has pre-determined the issue against the petitioner with an intention to impose punishment against him for stoppage of increment with cumulative effect. The petitioner once again sent a detailed explanation to the second show cause notice on 01.09.2020 reiterating the earlier explanation dated 10.06.2020 given by him. The petitioner contends that even without obtaining the written statement from the concerned Police Constable, who, according to the respondent, was not issued with the warrant by the petitioner, the respondent has passed the impugned order dated 25.08.2020 imposing a punishment of stoppage of increment for a period of six months without cumulative effect on the petitioner. Since the impugned punishment order has been passed against the petitioner, without holding any domestic enquiry, the petitioner has filed this writ petition challenging the impugned punishment order, on the ground of violation of principles of natural justice.



W.P.(MD) No.9081 of 2021

WEB COPY

5. A counter affidavit has been filed by the respondent reiterating the contents of the impugned punishment order imposed on the petitioner. The respondent also contends that the petitioner ought to have approached the Industrial Labour Court, if aggrieved by the impugned punishment order and therefore, according to the respondent, this writ petition is not maintainable.

6. The petitioner has approached this Court only on the ground of violation of principles of natural justice. Admittedly, no domestic enquiry was conducted prior to the passing of the impugned punishment order against the petitioner. The petitioner had also submitted a detailed explanation on two occasions, one on 10.06.2020 and the other one on 01.09.2020. In the impugned order dated 25.08.2020 imposing a punishment on the petitioner, the explanation submitted by the petitioner to the show cause notice issued by the respondent has not been considered and no reason has been given as to why the contention of the petitioner has to be rejected. The impugned order is a non-speaking order with regard to the contentions of the petitioner as raised by him through his explanations dated 10.06.2020 and 01.09.2020. No



W.P.(MD) No.9081 of 2021

WEB COPY

supporting documents have also been referred to in the impugned punishment order in the form of statements received from the Police Constable, who was not issued with the warrant by the petitioner, for the purpose of the respondent coming to the conclusion that the charge framed against the petitioner is proved. Since the impugned order is a non-speaking order and has been passed in violation of the principles of natural justice, this Court is of the considered view that the impugned order has to be quashed and the matter has to be remanded back to the respondent for fresh consideration on merits and in accordance with law, within a time frame to be fixed by this Court.

7. Accordingly, this writ petition is disposed of by issuing the following directions:

- (a) The impugned order dated 25.08.2020, passed by the respondent, is quashed.
- (b) The matter is remanded back to the respondent for fresh consideration on merits and in accordance with law.



W.P.(MD) No.9081 of 2021

WEB COPY

- (c) The respondent shall pass final orders, within a period of four months from the date of receipt of a copy of this order, after holding a domestic enquiry with regard to the charge memo issued to the petitioner and by adhering to the principles of natural justice.
- (d) No costs. Consequently, connected miscellaneous petition is closed.

03.09.2025

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

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W.P.(MD) No.9081 of 2021

ABDUL QUDDHOSE, J.

krk

W.P.(MD) No.9081 of 2021
and
W.M.P.(MD) No.6838 of 2021

03.09.2025