



WEB COPY **BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED : 10.03.2025

CORAM:

**THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN
AND
THE HON'BLE MS JUSTICE R.POORNIMA**

**W.A(MD)No.487 of 2025
and
C.M.P(MD)No.3824 of 2025**

- 1.The Tamil Nadu State Transport Corporation
(Kumbakonam)Limited, Kumbakonam Division,
represented by its Managing Director,
Kumbakonam, Thanjavur District.
- 2.The Tamil Nadu State Transport Corporation
(Kumbakonam)Limited, Trichirappalli Region,
represented by its General Manager,
Periyamilaguparai, Trichirappalli – 620 001.
- 3.The Tamil Nadu State Transport Corporation
(Kumbakonam)Limited,
Tiruchirappalli Rural Branch,
represented by its Branch Manager,
Trichirappalli – 620 001. ... Appellants/Respondents

.Vs.

K.Ramesh

... Respondent/Writ Petitioner



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PRAYER: Writ Appeal filed under Clause 15 of Letters Patent Act praying this Court to set aside the order passed by this Court made in W.P(MD)No.7162 of 2016, dated 22.03.2022.

For Appellants : Mr.K.Jagadeesh Balan

For Respondents : Mr.K.Sridhar

JUDGMENT

DR.G.JAYACHANDRAN,J.
AND
R.POORNIMA,J.

The writ appeal is filed praying this Court to set aside the order passed by this Court made in W.P(MD)No.7162 of 2016, dated 22.03.2022.

2.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3.The Writ Appeal is filed against the order passed by the learned Single Judge imposing punishment on the respondent from stoppage of increment for three years with cumulative effect to stoppage of increment for one year without



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4.The point for consideration in this Writ Appeal is that against the order passed by the Enquiry Officer, the respondent/employee ought to have approached the Labour Court, instead he has filed the Writ Petition without exhausting the statutory remedy and when there is an alternative and efficacious remedy, the Writ Court ought not to have entertained the Writ Petition.

5.On a perusal of the records, this Court finds that for causing the motor accident, the Petitioner, who is the Driver of Transport Corporation was imposed with punishment of stoppage of increment for three years with cumulative effect. The Writ Petition has been filed in the year 2016 and the same was disposed of on 22.03.2022 after eight years. The learned Single Judge taking note of the above fact, has observed that though there is an alternative remedy, however, after entertaining the Writ Petition and issuing Rule Nisi, the matter is pending for eight years. Hence, at this stage, directing the delinquent to go before the Labour Court will not meet the ends of justice. Hence, on considering the gravity of the misconduct and the punishment imposed, the learned Judge thought it fit the



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punishment be modified as stoppage of increment for one year without cumulative effect.

6.The learned counsel appearing for the respondent/employee would submit that the criminal prosecution instituted against the employee for negligence ended in acquittal and therefore, there cannot be any departmental action for negligence.

7.This Court, on the preliminary objection regarding maintainability of Writ Petition, in view of alternative remedy available, is of the view that once the Writ Petition is admitted and Rule Nisi is issued, after eight years, the same cannot be rejected on the ground of alternative remedy/maintainability. The learned Single Judge thought it fit that the punishment imposed on the respondent employee is excessive and therefore, modified the punishment. Since the respondent is found not guilty in criminal proceedings, we are of the view that the modified punishment imposed on the respondent/employee appears to be equitable. Hence no good reason available to interfere with the order of the learned Single Judge.



WEB COPY 8. Hence the Writ Appeal stands dismissed. No costs. Consequently,
connected Miscellaneous Petition is closed.

[G.J.,J.] [R.P.,J.]
10.03.2025

NCS : Yes/No
Index : Yes / No
Internet : Yes / No
vsn



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DR.G.JAYACHANDRAN, J.
and
R.POORNIMA, J.

vsn

JUDGMENT MADE IN

W.A(MD)No.487 of 2025
and
C.M.P(MD)No.3824 of 2025

10.03.2025