



WP(MD). No.14345 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 01.12.2025

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THE HONOURABLE MR. JUSTICE B.PUGALENDHI

WP(MD)No.14345 of 2024
and
WMP(MD)No.12583 of 2024

D.Ananthakumar

... Petitioner

versus

1. The Managing Director,
Tamil Nadu State Transport Corporation
(Tirunelveli) Ltd.,
KTC Nagar, Tirunelveli,
Tirunelveli District.

2. The General Manager,
Tamil Nadu State Transport
Corporation Ltd.,
Nagercoil Region,
Ranithottam,
Nesamani Nagar,
Kanyakumari District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India,
praying for the issuance of a Writ of Certiorari, to call for the records
pertaining to the impugned order of the first respondent in Ref:



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4978/legal-05/ThaAPoKa/Thili/2009 dated 01.07.2023 and quash the same as illegal.

For Petitioner : Mr.B.Micheal Sebastin

For Respondents : Mr.D.Jebaraj

ORDER

The petitioner, a Conductor of the Transport Corporation, was issued with a charge memo dated 03.10.2009 that while he was on duty on 21.09.2009 for the bus bearing Reg.No.TN65N 117 in the route from Trichy to Kanyakumari, the Checking Inspector found that the bus was diverted from the regular route and went on bypass, Valliyoor, Panagudi and he has created a record as if he boarded the passengers at Panagudi and thereby, the driver and conductor of the bus have violated the procedures as contemplated in Clause 14, 16, 19 of the Standing Orders of the Transport Corporation. After conducting the domestic enquiry, the petitioner was imposed with a punishment of stoppage of increment for a period of one year with cumulative effect, by order dated 16.07.2012. As against the order of punishment dated 16.07.2012, the petitioner has



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preferred an appeal before the first respondent and the same was rejected by proceedings dated 01.07.2023. Aggrieved over the same, the present writ petition has been filed.

2. The learned counsel appearing for the petitioner submitted that the petitioner's appeal has been decided by the first respondent, without providing him an opportunity of hearing. According to him, the petitioner has preferred the appeal in the year 2012, whereas, it was decided only in the year 2023 that too in a hurried manner and after the order of this Court passed in W.P.(MD)No.4648 of 2024. The petitioner has filed the above writ petition seeking a direction to the first respondent/the Managing Director of the Transport Corporation to dispose of the appeal dated 03.08.2012 within a stipulated time. This Court, by its order dated 28.02.2024, disposed of the writ petition directing the first respondent to dispose of the petitioner's appeal dated 03.08.2012 within a period of one month. In view of the order passed by this Court, the respondent has created a record that the petitioner's appeal has already been disposed of on 01.07.2023 and the same was communicated by proceedings dated 30.03.2024. According to him, the



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petitioner's appeal was not decided, however, a record has been created that the petitioner's appeal was disposed of on 01.07.2023 and even without hearing the petitioner, the appeal has been erroneously decided.

3. The learned counsel for the respondents, by referring to the appeal preferred by the petitioner, submitted that the appeal was preferred in such a casual manner, without disclosing any details. Therefore, the appeal could not be disposed of within a stipulated time. However, it was disposed of on 01.07.2023, based on the available materials.

4. This Court considered the rival submissions made.

5. The petitioner was imposed with a punishment of stoppage of increment for a period of one year with cumulative effect, by order dated 16.07.2012, against which, he preferred an appeal before the first respondent and the same was disposed of on 01.07.2023, i.e. after 10 years from the date of appeal. The respondents have taken a plea that the petitioner's appeal does not disclose any details of charge memo and



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therefore, they could not dispose the petitioner's appeal in time. While being so, it is not known as to how the petitioner's appeal was disposed of on 01.07.2023.

6. The fact remains that the petitioner has approached this Court by filing a writ petition in W.P.(MD)No.4648 of 2024, seeking a direction for disposal of the appeal which has been preferred before the first respondent. In that writ petition, the respondents have not taken a plea that the petitioner's appeal was already disposed of on 01.07.2023. Now, a proceedings dated 30.03.2024 has been communicated to the petitioner as if his appeal has been disposed of on 01.07.2023. Therefore, this Court is of the view that in order to circumvent the order passed by this Court in W.P.(MD)No.4648 of 2024, a record has been created as if the petitioner's appeal has been disposed of on 01.07.2023.

7. Accordingly, this writ petition is allowed and the order of the first respondent in Ref:4978/legal-05/ThaAPoKa/Thili/2009 dated 01.07.2023 is hereby set aside and the matter is remitted back to the first respondent for fresh consideration. At the same time, the petitioner is



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also permitted to submit the grounds of appeal to the first respondent in support of his case. The first respondent shall dispose of appeal, after providing an opportunity of hearing to the petitioner, within a period of three months from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

01.12.2025

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Index : Yes / No.

Internet: Yes / No.

NCC : Yes / No.

To

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B.PUGALENDHI, J.

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