



W.P.(MD)No.18208 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.09.2025

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THE HONOURABLE MR JUSTICE ABDUL QUDDHOSE

W.P.(MD)No.18208 of 2022
and
W.M.P.(MD).No.13286 of 2022

P.Ponnuchamy

... Petitioner

Vs.

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

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, calling for the records relating to the impugned order passed by the respondent in his proceedings in Tha.A.Pok/Kumba/Trichy/D7/4474/2018, dated 10.10.2019 and quash the same as illegal.

For Petitioner : Mr.A.Vadivel

For Respondent : Mr.S.C.Herold Singh,
Standing Counsel



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ORDER

WEB COPY This Writ Petition has been filed challenging the impugned order dated 10.10.2019 imposing the punishment on the petitioner, viz., three years increment cut with cumulative effect.

2. The petitioner has raised several grounds for challenging the impugned order, the primary ground being that the impugned order has been passed by total non-application of mind, imposing a punishment disproportionate to the charges levelled against the petitioner. In the disciplinary proceedings, the charge framed against the petitioner was that he had misappropriated a sum of Rs.25/- while collecting the luggage ticket. The petitioner is employed as a Conductor with the respondent Transport Corporation.

3. Under the impugned order, it has been held that the petitioner himself pleaded guilty to the charge framed against him in the enquiry proceedings. However, this Court is of the *prima facie* view that the punishment imposed on the petitioner is disproportionate to the nature of the charge levelled against him. The learned counsel also submits that the petitioner is due to retire from service on 31.07.2026, and if the impugned order is allowed to continue, the petitioner will suffer grave prejudice and he may not be in a position to get his



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retirement benefits. Admittedly, the petitioner has not filed any appeal as

against the impugned order, though he could have exercised the same instead of filing this Writ Petition. Considering the punishment imposed under the impugned order, which on a *prima facie* consideration appears to be disproportionate to the nature of the charges levelled against the petitioner, this Court, without interfering with the impugned order and in order to protect the rights of the petitioner, is of the considered view that, the petitioner shall be permitted to prefer an appeal within a time frame to be fixed by this Court, if aggrieved by the impugned order.

4. The learned counsel appearing for the petitioner further submits that the petitioner may be permitted to file an appeal before the competent authority, so as to enable him to seek quashing of the impugned order or, if necessary, reduction of the punishment, to enable the petitioner to get his retirement benefits.

5. For the foregoing reasons, this Writ petition is disposed of by permitting the petitioner to file an appeal before the competent authority as against the impugned order dated 10.10.2019 passed by the respondent within a period of 15 days from the date of receipt of a copy of this order. On receipt of



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the said appeal filed by the petitioner within the stipulated time, the competent

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authority of the respondent (appellate authority) shall pass final orders on merits

and in accordance with law after adhering to the principles of natural justice

within a period of four weeks thereafter. No costs. Consequently, the

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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