



W.P.(MD)No.19905 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.11.2025

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THE HONOURABLE MR JUSTICE ABDUL QUDDHOSE

W.P.(MD)No.19905 of 2022

M.Leo Joseph Kennady

... Petitioner

Vs.

The General Manager,
The Tamil Nadu State Transport,
Corporation (Kumbakonam) Ltd.,
Puthukottai Region, Tvs Corner,
Thirumayam Road,
Puthukottai.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, calling for records pertaining to the impugned order of the respondent in ref. TNSTC/PUD/DS-2002/NEPO39/D1-222/2022 dated 25.07.2022 quash the same as illegal.

For Petitioner : Mr.G.M.Xavier

For Respondent : Mr.K.Raamiah,
Standing Counsel

ORDER

The petitioner has challenged the impugned punishment order dated 25.07.2022 passed by the respondent imposing the punishment of stoppage of



W.P.(MD)No.19905 of 2022

increment for a period of three months with cumulative effect on the petitioner.

The petitioner claims that since the punishment imposed on the petitioner is a major penalty, enquiry ought to have been conducted by the respondent before imposing the said punishment. Since enquiry has not been conducted, the petitioner claims that the punishment imposed on the petitioner is not in accordance with law. The petitioner also contends that the charges levelled against him by the respondent, namely, that the petitioner did not take the bus to the particular place is incorrect. According to him, as per the information received by him, under the Right to Information Act, 2005, the said information reveals that the petitioner in fact had taken the bus to the particular spot.

2. A counter-affidavit has been filed by the respondent before this Court denying the contentions of the petitioner. The respondent has reiterated that only on account of the mis-conduct committed by the petitioner by not taking the bus in its usual route, the petitioner has been imposed punishment under the impugned order.

3. The learned counsel relies upon the decision of the Hon'ble Supreme Court in the case of ***Kulwant Singh Gill Vs. State of Punjab*** reported in ***1991 (1) Supreme Court Cases 504*** and would submit that since the punishment



W.P.(MD)No.19905 of 2022

imposed on the petitioner, viz., stoppage of increment for a period of three months with cumulative effect is a major penalty as per the decision referred to supra, enquiry ought to have been conducted by the respondent before passing the impugned punishment order. The learned counsel appearing for the petitioner would also submit that the petitioner had already preferred an appeal as against the impugned order before the Managing Director of the respondent-Transport Corporation. The said appeal is yet to be disposed of.

4. The learned Standing Counsel appearing for the respondent would submit that the respondent has no objection if a direction is issued to the Managing Director of the respondent-Transport Corporation to decide the appeal filed by the petitioner within a time frame to be fixed by this Court. Since the petitioner has raised a contention that the penalty imposed on him under the impugned order is a major penalty and the same has been imposed arbitrarily and illegally without conducting enquiry, necessarily, the said contention has to be considered by the Appellate Authority, viz., the Managing Director of the respondent-Transport Corporation when the Managing Director of the respondent Transport Corporation as the Appellate Authority decides the appeal filed by the petitioner. No prejudice would be caused to the respondent-Transport Corporation if a direction is issued to the Managing Director of the respondent-Transport Corporation / the Appellate Authority to pass final orders



W.P.(MD)No.19905 of 2022

on the petitioner's appeal within a time frame to be fixed by this Court after giving due consideration to the stand taken by the petitioner that the impugned punishment order passed by the respondent is not in accordance with law since according to the petitioner, the impugned punishment order is a major penalty and has been passed without conducting any enquiry.

5. For the foregoing reasons, this writ petition is disposed of by directing the Managing Director of the respondent-Transport Corporation, who is the Appellate Authority, to pass final orders on the petitioner's appeal dated 31.07.2022 challenging the impugned order passed by the respondent / Transport Corporation on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order after giving due consideration to the contentions of the petitioner that since the impugned punishment order is a major penalty according to him, necessarily, the enquiry ought to have been conducted by the respondent-Transport Corporation before passing the impugned order. No costs.

03.11.2025

NCC:yes/no
Index:yes/no
Internet:yes/no
TSG



W.P.(MD)No.19905 of 2022

To
The Managing Director,
Tamil Nadu Transport Corporation,
Kumbakonam Region.



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W.P.(MD)No.19905 of 2022

ABDUL QUDDHOSE, J.

TSG

W.P.(MD)No.19905 of 2022

03.11.2025