



W.A.(MD)Nos.2593 of 2025 & 680 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.11.2025

CORAM:

THE HONOURABLE **DR.JUSTICE ANITA SUMANTH**
AND

THE HONOURABLE **MR.JUSTICE C.KUMARAPPAN**

W.A.(MD)Nos.2593 of 2025 & 680 of 2024
and

C.M.P(MD)Nos.14766 & 16358 of 2025 & 5016 of 2024

W.A.(MD)No.2593 of 2025

1.Tamil Nadu State Transport Corporation
(Kumbakonam Limited),
Represented by its Managing Director,
Kumbakonam.

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

3.The Branch Manager,
Tamil Nadu State Transport Corporation
(Kumbakonam Limited),
Karur Branch – II,
Karur.

... Appellants

Vs./



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1.R.Subbaiyan
Driver - Level 5,
S/o.Ramasamy,
Karur Branch 2,
Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
Karur Region, Karur.

2.Rajendran,
The Branch Manager,
The Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
Karur Branch – II,
Karur.

... Respondents

PRAYER:- Writ Appeal filed under Clause XV of Letters Patent, to set aside the order made in W.P.(MD)No.24106 of 2022 dated 15.02.2024 on the file of this Court.

For Appellants : Mr.M.Ajmal Khan
Additional Advocate General
Assisted by
Mr.S.C.Herold Singh

For R – 1 : Mr.V.Ajay Khose
for Mr.A.Rahul

For R – 2 : Mr.P.F.Ferlin Castro



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- 1.The Managing Director,
Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
Kumbakonam,
Thanjavur District.
- 2.The General Manager,
Tamil Nadu State Transport Corporation,
(Kumbakonam) Limited, Karaikudi Region,
Sivagangai District.
- 3.The Branch Manager,
Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
Devakottai Branch, Sivagangai District. ... Appellants

Vs./

A.James ... Respondent

PRAYER:- Writ Appeal filed under Clause XV of Letters Patent, to set aside the order in W.P.(MD)No.19321 of 2023 dated 08.09.2023 on the file of this Court.

For Appellants : Mr.M.Ajmal Khan
Additional Advocate General
Assisted by
Mr.K.Ramaiah

For Respondent : No appearance



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COMMON JUDGMENT

(Judgment of the Court was delivered by **DR.ANITA SUMANTH, J.**)

We have heard Mr.Ajmal Khan, learned Additional Advocate General assisted by the learned counsel for the petitioners and Mr.V.Ajay Khose, learned counsel for Mr.A.Rahul, for R1 in W.A.(MD)No.2593 of 2025.

2. Both learned counsel accede to the position that writ appeals in W.A.(MD)Nos.2407 to 2413 of 2015 filed by Tamil Nadu State Transport Corporation (Kumbakonam), involving identical issue have been allowed by order dated 21.08.2025 and hence, the same order may be passed in the present case as well. That order reads as follows.

The Writ Appeals have been instituted challenging the common order dated 15.03.2024 in batch of writ petitions.

2. The writ petitions have been instituted by the drivers/conductors working in the appellants Transport Corporation. Admittedly, they are workmen governed under the Industrial Disputes Act. The service conditions are also governed under the settlements entered into between the management and the Workmen. Therefore, in



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the considered opinion of this Court that the aggrieved Workmen have to raise a dispute before the Labor Court in normal circumstances. However, in the present cases, instead of raising a dispute under the Industrial Disputes Act, writ petitions have been filed challenging the very order of punishment imposed by the management against the Workmen by initiating Departmental Proceedings.

3. The Writ Court quashed the orders of punishment solely on the ground that the punishment imposed is not contemplated under the Standing Orders applicable to the Workmen. However, the Writ Court has not found any fault in the matter of conduct of an enquiry by following the procedures only on the ground that the punishment imposed is not contemplated in the Standing Orders, the punishment orders were quashed. That being so, the Writ Court ought to have remanded the matter back for reconsideration enabling the Disciplinary Authority to take an appropriate decision in accordance with the Standing Orders in force.

4. First of all, the writ petitions in respect of workmen governed under the Industrial Disputes Act are not maintainable in view of the legal principles settled in several judgments. However, in the present cases, the writ petitions were entertained and the punishment was quashed solely on the ground stated above. That being so, the Disciplinary Authority must be provided with an opportunity to deal with the misconducts committed and for imposing penalty in consonance with the Standing Orders on merits and in accordance with law.

5. In view of the facts and circumstances, the impugned writ orders dated 15.03.2024 passed in W.P(MD)No. 23111 of 2022 etc., batch are set aside and the punishment orders issued to the respondents / Workmen are set aside. Consequently, the matters are remanded back to the Disciplinary Authority for fresh consideration and take a decision in consonance with the Standing



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Orders, which is applicable to the appellants Transport Corporation and by following the procedures.

6. With these observations, the writ appeals are allowed. No costs. Consequently, connected miscellaneous petitions are closed.

4. The only distinction made by Mr.Ajay Khose, is that the respondents have retired and are not in service any further. As the matter has been remanded to the authorities for fresh consideration in light of the reasons set out in order dated 21.08.2025, we believe that this fact may be placed before the authorities as and when the remand proceedings are taken up for decision.

5. In fine, we reiterate the conclusion in order dated 21.08.2025 and direct the respondents to bring to the notice of the authorities their status as retirees. We also reiterate that fresh proceedings are to be completed only after proper notice is given to the respondents and they are heard.



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6. These writ appeals stand allowed in light of this order. No costs. Consequently, the connected Miscellaneous Petitions are closed.

**[A.S.M.J.] & [C.K.J.,]
10.11.2025**

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

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AND

C.KUMARAPPAN, J.

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