



W.A(MD)No.416 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 03.03.2025

CORAM:

THE HONOURABLE **DR.JUSTICE G.JAYACHANDRAN**

AND

THE HONOURABLE **MS.JUSTICE R.POORNIMA**

W.A(MD)No.416 of 2025

and

C.M.P(MD)No.3241 of 2025

The Management of
Tamil Nadu State Transport Corporation
(Madurai) Limited
Dindigul Region,
Represented by its General Manager,
Dindigul.

... Appellants/1st Respondent

-Vs-

1.C.Arokiyasamy

...1st Respondent/Petitioner

2.The Administrator
Tamil Nadu State Transport Employees
Pension Fund Trust,
Thiruvalluvar Illam,
Anna Salai,
Chennai-02.

...2nd Respondent/2nd
Respondent



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PRAYER: Writ Appeal filed under Clause XV of Letters of Patent Appeal, against the order dated 07.01.2019 made in W.P(MD)No.24867 of 2018 passed by this Court.

For Appellant : Mr.B.Ramanathan
Additional Government Pleader
For Respondent : Died

JUDGMENT

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

The appeal is preferred by the Transport Corporation, being aggrieved by the order passed by the learned Single Judge allowing the writ of Certiorarified Mandamus filed by the employee/first respondent to quash the order dated 08.11.2011 passed by the Corporation. The impugned order dated 08.11.2011 is to the effect that the reduction of pay scale of 5 stages with cumulative effect for the proven charge of grave misconduct viz., passing road accident for the third time. This impugned order was challenged by way of writ petition without exercising the statutory remedy for preferring the appeal before the Tribunal on the ground that after passing of the impugned order on 08.11.2011, the delinquent was relieved from service accepting his request for Voluntary Retirement(VRS). Having



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relieved him from service without any caveat, the reduction of pay scale of 5 stages cannot be implemented.

2.The learned Single Judge, on appreciating the facts, stated that admittedly the punishment proposed in the impugned order cannot be imposed in view of the subsequent event viz., voluntary retirement of the delinquent. Therefore, quashed the impugned order and directed the respondents to pay the consequential monetary and pensionary benefits. The present appeal is directed challenging the order of the learned Single Judge.

3.Due to the negligence of the writ petitioner, the Department has suffered monetary loss and it is the third accident, which the delinquent has caused. Hence, after due enquiry, the punishment of reduction of pay scale of five stages ordered. The acceptance of his request of voluntary retirement and reliving him from service cannot be a sand in the way of implementing the punishment awarded. Pointing out that the delinquent had not preferred any appeal against the punishment awarded and the writ petition was filed three years after passing of the impugned order. Therefore, the learned Single Judge ought to have dismissed the writ petition on the twin grounds



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viz., plea of alternative remedy and laches.

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4.Mr.S.Arunachalam, learned counsel for the first respondent submitted that when there is a gross violation of the constitutional right and the alternative remedy is not vexatious, there is no bar for the aggrieved person to approach the High Court invoking Article 226 of the Constitution of India. Further the impugned order as a continuous cause of action and therefore, the plea of laches will not arise.

5.That apart, the learned counsel for the appellant submitted that the impugned order for reduction of pay scale of 5 stages cannot be implemented, if the employee allowed to retirement. Pointing out that the impugned order was passed on 08.11.2011 it was not implemented till the first respondent retired from service on 29.02.2012.

6.Having allowed the first respondent to retire voluntarily and recovery of monetary benefits already disbursed, cannot be legally permissible, once the employee allowed to retire without any condition, this Court totally in agreement with the order passed by the learned Single Judge



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and the submissions made by the learned counsel for the first respondent.

Hence, the writ appeal stands dismissed as devoid of merits. No costs.

Consequently, the connected miscellaneous petition is also closed.

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

03.03.2025

NCC : Yes / No

Index : Yes / No

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To

The Management of
Tamil Nadu State Transport Corporation
(Madurai) Limited
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