



W.P.(MD)No.26256 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: **04.07.2025**

CORAM

THE HONOURABLE MR.JUSTICE **SHAMIM AHMED**

W.P.(MD) No.26256 of 2022

A.Francis,
S/o. Asirvatham,
Mettupatti,
Begampur, Dindigul,
Dindigul District.

... Petitioner

VS.

1.The Managing Director,
Tamil Nadu State Transport Corporation,
(Madurai Ltd),
Madurai.

2.The General Manager,
Tamil Nadu State Transport Corporation,
(Madurai Ltd),
Dindigul Region,
Dindigul.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to reconsider the punishment of increment cut of 5 years with cumulative effect imposed on the petitioner vide order passed by the 1st respondent dated 31.10.2011 based on the judgment passed by the Judicial



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Magistrate, Theni in C.C.No.61 of 2011 dated 05.05.2016 and consequently direct the respondents to pass orders re-fixing the petitioner's pay and terminal benefits and further to pay the difference amount in wages and difference amount in terminal benefits within a time based on the petitioner's representation dated 21.06.2022.

For Petitioner :Mr.K.Sivamurugan for
Mr.D.Anbarasu

For Respondents :Mr.S.C.Herold Singh
standing counsel

ORDER

This Writ Petition has been filed with the following prayer:-

“Writ of Mandamus, directing the respondents to reconsider the punishment of increment cut of 5 years with cumulative effect imposed on the petitioner vide order passed by the 1st respondent dated 31.10.2011 based on the judgment passed by the Judicial Magistrate, Theni in C.C.No.61 of 2011 dated 05.05.2016 and consequently direct the respondents to pass orders re-fixing the petitioner's pay and terminal benefits and further to pay the difference amount in wages and difference amount in terminal benefits within a time based on the petitioner's representation dated 21.06.2022”



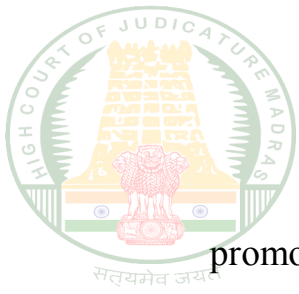
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2.The facts of the case in a nutshell, led to filing of this Writ Petition and necessary for disposal of the same, are as follows:-

a) The petitioner joined duty as Driver in the respondent Corporation on 23.03.2009 and his service was regularized on 21.06.2010. While that being so, on 07.10.2010, he was placed under suspension on the ground that he caused an accident on 06.10.2010, for which, a criminal case in CC.No.61 of 2011 on the file of the learned Judicial Magistrate, Theni, was registered.

b) After full pledged trial, the learned Magistrate, vide judgment dated 05.05.2016, acquitted the petitioner from all the charges. Thereafter, the suspension order passed by the respondents as against the petitioner, dated 07.10.2010, was revoked on 04.11.2020. However, the respondent Corporation imposed punishment upon the petitioner, by awarding stoppage of increment for a period of 5 years with cumulative effect. Thus, the petitioner has sent a representation, dated 21.06.2022, copy of which is enclosed in page Nos.38 to 41 of the paper book, through RPAD to the respondents claiming to grant monetary and



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promotional benefits to him by cancelling the punishment imposed upon him, in the light of the judgment passed in CC.No.61 of 2016, dated 05.05.2016, but no heed was paid so far by the respondents nor the representation of the petitioner was considered. Thus, being no other alternative, the petitioner has filed the present Writ Petition seeking the relief as stated supra.

3.Heard Mr.K.Sivamurugan, learned counsel representing Mr.D.Anbarasu, learned counsel for the petitioner and Mr.S.C.Herold Singh, learned standing counsel for the respondents.

4.The learned counsel for the petitioner, while reiterating the averments made in the affidavit filed in support of this Writ Petition, submits that a positive direction may be given to the second respondent/the General Manager, Tamil Nadu State Transport Corporation, (Madurai Ltd), Dindigul Region, Dindigul, to decide the representation of the petitioner, dated 21.06.2022, by way of a reasoned and speaking order in accordance with law within the time stipulated by this Court.



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5.Mr.S.C.Herold Singh, learned standing counsel for the respondents submits that the petitioner was not discharging his duty with full sincerity and if the petitioner has any grievance, he may file a fresh representation before the second respondent/the General Manager, Tamil Nadu State Transport Corporation, (Madurai Ltd), Dindigul Region, Dindigul along with his grievances and claim and the same will be decided by the second respondent/the General Manager, Tamil Nadu State Transport Corporation, (Madurai Ltd), Dindigul Region, Dindigul, by way of a reasoned and a speaking order in accordance with law within the time stipulated by this Court.

6.After considering the arguments advanced by the learned counsels for the parties and after perusing the records and averments made in the Writ Petition, this Court deems it appropriate that no useful purpose will be served in keeping this Writ Petition pending before this Court.



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7. Accordingly, the petitioner is directed to file a fresh representation before the second respondent/the General Manager, Tamil Nadu State Transport Corporation, (Madurai Ltd), Dindigul Region, Dindigul, bringing his claim and grievances along with a copy of this order and also annexing a copy of the representation dated 21.06.2022 within a period of two weeks from today. If any such representation is filed by the petitioner as per the time stipulated by this Court, the second respondent/the General Manager, Tamil Nadu State Transport Corporation, (Madurai Ltd), Dindigul Region, Dindigul, is directed to consider the same and pass a reasoned and a speaking order in accordance with law after giving an opportunity of hearing to the petitioner, within a period of six weeks from the date of receipt of such representation. The second Respondent/the General Manager, Tamil Nadu State Transport Corporation, (Madurai Ltd), Dindigul Region, Dindigul, shall communicate the order/decision to the Petitioner through Registered Post with Acknowledgement Due (RPAD) within a period of two weeks from the date of passing the order/decision.



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8. With the aforesaid directions, the Writ Petition is finally disposed

of and the file is consigned to record. No costs.

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

04.07.2025

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To

1. The Managing Director,
Tamil Nadu State Transport Corporation,
(Madurai Ltd),
Madurai.

2. The General Manager,
Tamil Nadu State Transport Corporation,
(Madurai Ltd),
Dindigul Region,
Dindigul.



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SHAMIM AHMED, J.

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