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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Civil Appellate Jurisdiction

Tuesday, the Eighteenth day of February Two Thousand and Twenty Five

PRESENT

The HONOURABLE MRS. JUSTICE J.NISHA BANU
AND

The HONOURABLE MRS. JUSTICE S.SRIMATHY

CMP(MD). No.15748,15751,15752 and 15753 of 2024
in

CMP(MD). No.11279,11283,11280 and 11277 of 2024
in

WA(MD) SR.Nos.51292,51293,51213 and 51291 of 2024

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

2.The General Manager,
Tamil Nadu State Transport Corporation
(Kumbakonam) Ltd.,
Pudukkottai Region, Pudukkottai

... Petitioners/Petitioners Appellants

Vs

1 A.Somasundaram
S/o.Annamalai, No.2, Shanmuga Nagar,
Rajagopalapura Post, Kavinadu West,
Malayeedu, Pudukkottai - 622 003.

2 The Administrator,
The Tamil Nadu State Transport Corporation
Employees Pension Fund Trust Thiruvalluvar
Illam, Pallavan Salai, Chennai-600002.

... Respondents/Respondents/Respondents



Common Prayer :-

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These Petitions are filed under section 151 of C.P.C to set aside the order of dismissal of the delay condone petition filed against the respondents / Respondents in CMP(MD).No.11279,11283,11280 and 11277 of 2024 in WA(MD) SR.Nos.51292,51293,51213 and 51291 of 2024 dated 26-09-2024 and to restore the same.

Prayer in CMP(MD). No.11279,11283,11280 and 11277 of 2024 :-

These Petitions are filed under Section 5 of Limitation day Act to condone the delay of 62 days preferring the writ Appeal against order passed in W.A(MD) SR.Nos.51292,51293,51213 and 51291 of 2024 dated 12.02.2024.

Prayer in WA(MD) SR.Nos.51292,51293,51213 and 51291 of 2024:-

These Writ Appeals filed under Clause 15 of Letters Patent to allow the Writ Appeal by setting aside the Common order made in W.P(MD). Nos26272,26271,26274 and 26273 of 2023.

Prayer in WP(MD). 26272/ 2023 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the 2nd respondent in Ref.No.TNSTC / PUD/DS-/1971 / AEMO57/D2-234/2022 dated 19.07.2022 as confirmed by the 1st respondent in Ref. No. TNSTC / KUMBA / PUDU / DS/D2/234/2022 dated 21.01.2023 in imposing the punishment of stoppage of petitioners next annual



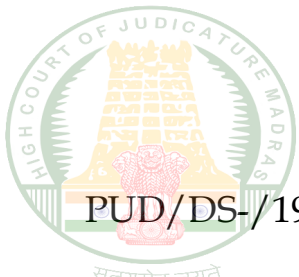
increment for a period of three months with cumulative effect, quash the same and consequently direct the respondents to treat the period of suspension from 24.05.2022 to 06.06.2022 as duty wages and further directing the respondent to quantify and pay the difference in salary and difference in terminal benefits to the petitioner together with interest at 6% p.a from the date of his retirement to till the date of disbursement.

Prayer in WP(MD). 26271/ 2023 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the 2nd respondent in Ref.No.TNSTC / PUD/DS-/1955 / AEMO57/D2-226/2022 dated 28.06.2022 as confirmed by the 1st respondent in Ref. No. TNSTC / KUMBA / PUDU / DS/D2/226/2022 dated 21.01.2023 in imposing the punishment of stoppage of petitioners next annual increment for a period of three months with cumulative effect, quash the same and consequently direct the respondents to quantify and pay the difference in salary and difference in terminal benefits to the petitioner together with interest at 6% p.a from the date of his retirement to till the date of disbursement.

Prayer in WP(MD). 26274/ 2023 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the 2nd respondent in Ref.No.TNSTC /



PUD/DS-/1925 / AEMO57/D2-225/2022 dated 30.06.2022 as confirmed by the 1st respondent in Ref. No. TNSTC / KUMBA / PUDU / DS/D2/225/2022 dated 21.01.2023 in imposing the punishment of stoppage of petitioners next annual increment for a period of three months with cumulative effect, quash the same and consequently direct the respondents to refund Rs. 6,000/- recovered from the petitioner towards Non Implemented Punishment of Stoppage of increment and to quantify and to quantify and pay the difference in salary and difference in terminal benefits to the petitioner together with interest at 6% p.a from the date of his retirement to till the date of disbursement.

Prayer in WP(MD). 26273/ 2023 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the 2nd respondent in Ref.No.TNSTC / PUD/DS-/1953 / AEMO57/D2-224/2022 dated 30.06.2022 as confirmed by the 1st respondent in Ref. No. TNSTC / KUMBA / PUDU / DS/D2/224/2022 dated 21.01.2023 in imposing the punishment of stoppage of petitioners next annual increment for a period of three months with cumulative effect, quash the same and consequently direct the respondents to quantify and pay the difference in salary and difference in terminal benefits to the petitioner together with interest at 6 % p.a from the date of his retirement to till the date of disbursement



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ORDER:- These Petitions coming on for orders on this day and upon perusing the petitions and the affidavits filed in support thereof and upon hearing the arguments of Thiru.K.Jagadees Balan, Advocate for the Petitioner in all petitions, this Court made the following order:

The petitions filed by the petitioners in all these petitions for condoning the delay in filing writ appeals, were dismissed on the ground of non-payment of batta. Seeking to set aside the said order of dismissal passed by this Court on 26.09.2024, the petitioners have filed these petitions.

2.Heard the learned counsel for the petitioner. Though notice has been served on the respondents, none appeared on their behalf.

3.Being satisfied with the reasons stated in the affidavit filed in support of this petition, this Court is inclined to set aside the order of dismissal passed by this Court.



4. Accordingly, these petitions are allowed. The petitioners are directed to pay batta forthwith, if not already paid, on receipt of a copy of these orders, falling which, these petitions will be dismissed automatically without any further reference to this Court.

Sd/-

Assistant Registrar(CS I)

// True Copy //

/03/2025

Sub Assistant Registrar
(CS- I/ II / III / IV)

TO

1. The Managing Director,
Tamil Nadu State Transport Corporation,
Kumbakonam.
2. The General Manager,
Tamil Nadu State Transport Corporation
(Kumbakonam) Ltd.,
Pudukkottai Region, Pudukkottai
3. The Administrator,
The Tamil Nadu State Transport Corporation
Employees Pension Fund Trust,
Thiruvalluvar Illam,
Pallavan Salai Chennai-600002.

+ 3cc to Advocate Mr.K.Jagadees Balan Advocate, SR.Nos.10515 to 10517



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ORDER DATED : 18/02/2025

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ORDER

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CMP(MD). No.15748,15751,15752 and 15753 of 2024
in
CMP(MD). No.11279,11283,11280 and 11277 of 2024
in
WA(MD) SR.Nos.51292,51293,51213 and 51291 of 2024

Giving direction and etc.
as stated within.

MGJ(04.03.2025) 7P 7C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023