



WP(MD) No.27892 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE SHAMIM AHMED

WP(MD) No.27892 of 2022

M.Thangapandian

Petitioner

Vs

1.The Managing Director,
TNSTC (Madurai) Ltd.,
Dindigul Region,
Byepass Road,
Madurai District.

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

Respondents

Prayer:- This Writ Petition has been filed under the Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st respondent to cancel the punishment of 3 years increment cut and to provide 2nd review in retrospective effect as per the Judgment delivered by the Learned Judicial Magistrate No.II in C.C.No.261/2013, dated 02.02.2019 and settlement U/S 12(3) of Industrial Disputes Act 1947 in the light of the Judgement of this Court reported in 2018(4) LLN530(Mad).



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For Petitioner : Ms.X.Sumalatha

For Respondents : Mr.S.Gladson Micheal Rajadurai

ORDER

The writ petition has been filed under the Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the first respondent to cancel the punishment of 3 years increment cut and to provide 2nd review in retrospective effect as per the Judgment delivered by the learned Judicial Magistrate No.II in C.C.No.261/2013, dated 02.02.2019 and settlement U/S 12(3) of Industrial Disputes Act 1947 in the light of the Judgement of this Court reported in 2018(4) LLN530(Mad).

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

2.1. The petitioner was joined service in the respondent Corporation as Driver and while he was driving the Bus bearing Reg.No.TN 57 N 1785 near Theerthathotti Murugan Kovil, a woman without seeing the bus and without following the traffic rules has suddenly crossed the road and on seeing the same, immediately the petitioner had stopped the bus. At that time, an auto rickshaw, which was proceeding towards Bodi to Theni, hit

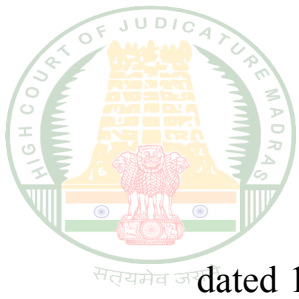


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against the woman, due to which she fell down on the road. However, the petitioner was issued with a charge memo dated 12.03.2012 by the respondent Corporation alleging that due to his rash and negligent driving, the accident had happened and an explanation has also been sought for from him. In pursuance of the same, he had replied to the same, but however the impugned order had been passed on 14.05.2013 by the first respondent imposing punishment of 3 years increment cut with cumulative effect against the petitioner. His review benefit has also been withhold by the Department because of the alleged punishment order.

2.2. Due to the alleged accident, one criminal case was initiated against the petitioner and the same had also been taken cognizance in CC.No.261 of 2013. The learned Judicial Magistrate, Theni, vide judgment dated 02.02.2019 in CC.No.261 of 2013 acquitted the petitioner from the charges stating that there is no fault on his part. Referring the same, the petitioner had made a representation dated 17.04.2022 to the respondents requesting them to cancel the punishment of 3 years increment with cumulative effect and to provide the review benefits with retrospective effect on the basis of his service. However, the same did not evoke any response from the respondents so far. Further, he had preferred an appeal



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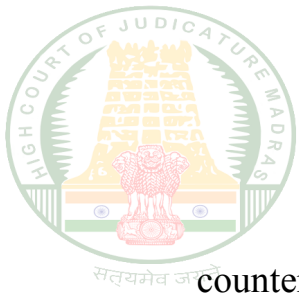
dated 12.10.2022 before the first respondent for the very same relief stated supra and the same has also not been considered so far. Hence, the writ petition.

3. Heard Ms.X.Sumalatha, learned counsel for the petitioner and Mr.S.Gladson Micheal Rajadurai, learned 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 the first respondent may be directed to decide the appeal filed by the petitioner dated 12.10.2022 by way of a reasoned and a speaking order and also in accordance with law within the time stipulated by this Court.

5. Mr.S.Gladson Micheal Rajadurai, learned counsel for the respondents has no objection to the aforesaid prayer made by the learned counsel for the petitioner.

6. After considering the submissions made by the learned counsels for both parties, after perusing the pleadings made in the writ petition and the



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counter affidavit and the judgment rendered in CC.No.261 of 2013 dated 02.02.2019 on the file of the learned Judicial Magistrate, Theni, by which the petitioner was acquitted from all the charges, the first respondent is directed to decide the appeal filed by the petitioner dated 12.10.2022 by way of a reasoned and speaking order on merits and in accordance with law, after giving sufficient opportunity to the petitioner, within a period of two months from the date of receipt of a copy of this order. The first respondent shall communicate the decision taken in the appeal to the petitioner through Registered Post with Acknowledgement Due (RPAD) within a period of two weeks from the date of passing the order/decision.

7. With the aforesaid directions, this Writ Petition is disposed of.
There shall be no order as to costs.

Index :Yes/No
Web :Yes/No
NCC :Yes/No

12.02.2025

Speaking/Non Speaking

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SHAMIM AHMED, J.

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