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*W.P.No.1911 of 2019*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.02.2026

CORAM

THE HONOURABLE MR.JUSTICE **HEMANT CHANDANGOUDAR**

**W.P.No.1911 of 2019**  
**and**  
**W.M.P.No.2115 of 2019**

Jeeva P.Shanmugam (P.R.No.JO5782)  
S/o.Palaniappan  
Selection Grade Conductor TNSTC  
15/1, Sri Krishna Nagar,  
Rangampalayam Post,  
Pin-638 009, Erode District.

... Petitioner

vs.

1. The Principal Secretary  
Government of Tamil Nadu  
Transport Department  
Fort St.George, Chennai-9.
2. The Managing Director  
Tamil Nadu State Transport Corporation Ltd.,  
37, Mettupalayam Road  
Coimbatore – 641 043.
3. The General Manager  
Tamil Nadu State Transport Corporation Ltd.,  
Erode Region Office  
Chennimalai Road  
Erode – 638 001.

... Respondents



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Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Certiorarified Mandamus, to call for the records of the 3<sup>rd</sup> respondent issued under impugned order Ref.1/D8/249/Legal/TNSTC/ER/2011 dated 27.10.2018 and quash the same and to direct the 2<sup>nd</sup> respondent to disburse all his terminal benefits and monthly pension based on the pre-revised basic pay.

For Petitioner : Mr.A.Rajendiran  
For Respondents : Ms.M.Jayanthi,  
Additional Government Pleader  
for R1  
Mr.M.Murali Vinodh,  
Standing Counsel, for R2 & R3

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### **ORDER**

The petitioner challenges the order dated 27.10.2018 bearing Reference No. Ref.1/D8/249/Legal/TNSTC/ER/2011 issued by the third respondent, by which the petitioner was imposed with the punishment of reduction of current basic pay by two stages.

2. The petitioner, while serving as a Conductor in the respondent Corporation, was issued a charge memo alleging that he had wilfully remained unauthorisedly absent for nearly six years. A show cause notice was issued to the petitioner, to which he submitted a reply denying all the



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allegations, necessitating the initiation of departmental enquiry proceedings.

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3. The petitioner appeared before the Enquiry Officer. Upon conclusion of the enquiry, the Enquiry Officer returned a finding that the petitioner's unauthorised absence for a period of six years was without sufficient cause and, accordingly, submitted a report holding that the charge against the petitioner stood proved. Thereafter, a second show cause notice was issued to the petitioner, to which he submitted a further explanation challenging the findings of the Enquiry Officer. However, the third respondent, upon consideration of the enquiry report and the further explanation, accepted the findings and passed the impugned order of punishment.

4. Heard Mr. A. Rajendiran, learned counsel for the petitioner, Ms. M. Jayanthi, learned Additional Government Pleader for the first respondent, and Mr. M. Murali Vinodh, learned Standing Counsel for respondents 2 and 3, and perused the materials available on record.

5. Admittedly, no documents were produced by the petitioner to substantiate his claim that the unauthorised absence for a period of six years was not wilful but due to genuine reasons. Therefore, the Enquiry Officer



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rightly returned a finding that the charge stood proved. The petitioner has been imposed with the punishment of reduction of basic pay by two stages; however, the said reduction is indefinite in nature.

6. Regulation 15 of the Standing Orders of the Cheran Transport Corporation Limited, Coimbatore, and its branches deals with punishment for misconduct. Regulation 15(d)(iii) provides that, upon conclusion of the enquiry/criminal proceedings, if the workman is found guilty of the charges framed against him, and it is considered after giving the workman concerned a reasonable opportunity of making representation on the proposed penalty that an order of dismissal, loss of pay, fine, stoppage of annual increment, or reduction in rank would meet the ends of justice, the employer shall pass orders accordingly.

7. Though the Regulation is silent with regard to the duration, it is a settled principle of law that reduction of pay cannot be imposed indefinitely. In the facts and circumstances of the case, it would be appropriate to modify the punishment of reduction of basic pay by two stages for a period of two years. To this extent, the impugned order requires modification.



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8. It is stated that the impugned order was passed on 27.10.2018 and that the petitioner, on attaining the age of superannuation, retired from service on 31.10.2018.

9. Accordingly, the captioned Writ Petition stands allowed in part. The impugned order dated 27.10.2018 bearing Reference No. Ref.1/D8/249/Legal/TNSTC/ER/2011 issued by the third respondent is modified, and the petitioner is imposed with the punishment of reduction of basic pay by two stages for a period of two years. The petitioner shall be entitled to all attendant benefits flowing from this order. Respondents 2 and 3 are directed to revise the pension and pensionary benefits of the petitioner within a period of three months from the date of receipt of a copy of this order. Consequently, the connected miscellaneous petition is closed. There shall be no order as to costs.

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Index : Yes / No  
Neutral Citation : Yes / No  
Speaking / Non-speaking

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**HEMANT CHANDANGOUDAR, J.,**

*mk*

To

1. The Principal Secretary  
Government of Tamil Nadu  
Transport Department  
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2. The Managing Director  
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