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W.P. No.5182 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.02.2026

CORAM:

THE HON'BLE MR. JUSTICE M. DHANDAPANI

W.P.No.5182 of 2026

and

W.M.P. No.5731 of 2026

M.Gunasekaran

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Petitioner

Vs

1. The Managing Director
Tamil Nadu State Transport Corporation
Erode Region
Erode 638 001.

2. The General Manager
Tamil Nadu State Transport Corporation
Coimbatore Division, Chennimalai Road
Erode 638 001.

...

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, for the issuance of a Writ of Certiorarified Mandamus to call for the records pertaining to the order made in Ka.No.2673/L13/MCOP/Tha Aa PoKa/Ko/Ema/2024 dated 1/10/2024 by the respondent No.1 and to quash the same and consequently direct the respondents to settle the consequential monetary benefits to the petitioner within a time frame fixed by this Court.



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For Petitioner : Mr.B.M.Subash
For Respondents : Mr.M.Murali Vinoth

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ORDER

This writ petition has been filed to call for the records pertaining to the order made in Ka.No.2673/L13/MCOP/Tha Aa PoKa/Ko/Ema/2024 dated 01.10.2024 by the respondent No.1 and to quash the same and consequently direct the respondents to settle the consequential monetary benefits to the petitioner within a time frame fixed by this Court.

2. It is averred that the petitioner joined the services of the respondent Corporation as a Driver in the year 1990. While he was discharging his duties, an accident occurred on 31.03.2001. Pursuant to the said occurrence, a charge memo dated 03.05.2001 was issued alleging negligence on the part of the petitioner. Thereafter, he submitted his explanation on 31.07.2001 denying the allegations and contending that the accident occurred due to the sudden crossing of the pedestrian.

3. Thereafter, a domestic enquiry was conducted and based on the enquiry report dated 15.10.2001, the 2nd respondent imposed the punishment of stoppage of increment with cumulative effect by order dated 15.10.2001. Challenging the same, the petitioner preferred an appeal/mercy petition before the 1st respondent and the same came to be rejected by order dated 08.01.2002.



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4. In the meanwhile, the criminal case arising out of the very same accident in C.C. No.5 of 2002 on the file of the learned Sessions Judge, Madurantakam ended in acquittal by judgment dated 17.06.2005. After the said acquittal, the petitioner filed a review petition before the 1st respondent on 02.08.2005 seeking reconsideration of the punishment. However, the said review petition was not disposed of for a long period.

5. Aggrieved by the same, the petitioner approached this Court by filing W.P. No.34643 of 2014 and this Court by order dated 22.01.2021 directed the 1st respondent to dispose of the review petition on merits and in the light of the judgment dated 17.06.20025 passed by the learned Sessions Judge, Madurantakam in CC No.5 of 2002, within a period of eight weeks. Since the said order was not complied with, he filed a contempt petition viz., Cont. P. No.1775 of 2024. Pursuant to the contempt proceedings, the 1st respondent passed the impugned order dated 01.10.2024 rejecting the review petition. Challenging the same, the present writ petition has been filed.

6. Learned counsel for the petitioner would submit that the accident occurred purely due to the fault of the pedestrian and the petitioner was not responsible for the same. The Sessions Court, Madurantakam, after full-fledged trial, acquitted the petitioner by judgment dated 17.06.2005 in C.C. No.5 of 2002. However, the respondents failed to properly consider the said acquittal



and mechanically rejected the review petition. According to the learned counsel, once the criminal Court has rendered a finding in favour of the petitioner in respect of the very same incident, the punishment imposed by the department ought to have been reconsidered. Therefore, the impugned order dated 01.10.2024 passed by the 1st respondent rejecting the review petition is unsustainable and the same is liable to be set aside. Accordingly, he prayed for allowing of this writ petition.

7. Per contra, learned counsel appearing for the respondents submitted that the departmental proceedings and criminal proceedings operate in different fields. In the departmental enquiry, the charges were proved on the basis of materials available on record and after providing adequate opportunity to the petitioner. Accordingly, the disciplinary authority imposed the punishment of stoppage of increment with cumulative effect, which was also confirmed by the appellate authority as early as in the year 2002. He further submitted that the criminal Court granted acquittal by extending benefit of doubt and the same would not automatically result in setting aside the punishment imposed in departmental proceedings.

8. Learned counsel further submitted that the review petition itself was filed belatedly and the petitioner approached this Court after an inordinate delay. The punishment had already been implemented long time back and the



petitioner has also retired from service on 28.02.2018. Therefore, the punishment imposed two decades earlier cannot be reopened at this stage. Accordingly, he prayed for dismissal of this writ petition.

9. This Court has considered the submissions made by learned counsel on either side and perused the materials available on record.

10. It is not in dispute that the petitioner was subjected to departmental proceedings and after conducting a regular enquiry and providing opportunity to the petitioner, the disciplinary authority / 2nd respondent imposed the punishment of stoppage of increment with cumulative effect by order dated 15.10.2001. The said punishment was confirmed by the appellate authority, vide order of the 1st respondent dated 08.01.2002.

11. Though the petitioner was acquitted in the criminal case on 17.06.2005 in C.C. No.5 of 2002, it is well settled that the standard of proof required in a criminal trial is entirely different from that in departmental proceedings, where the charges are required to be proved on the basis of preponderance of probabilities. Therefore, the acquittal in the criminal case would not automatically vitiate the findings rendered in the departmental enquiry.

12. Further, on a careful perusal of records, it reveal that the punishment was imposed as early as in the year 2001 and the same was affirmed in the year



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2002. The review petition came to be filed only in the year 2005 and thereafter the petitioner approached this Court after a considerable lapse of time. By now, more than two decades have elapsed and the petitioner has also retired from service on 28.02.2018. In such circumstances, the implemented punishment cannot be reopened after an inordinate lapse of time.

13. In view of the aforesaid reasonings, this Court does not find any infirmity in the impugned order dated 01.10.2024 passed by the 1st respondent rejecting the review petition. Accordingly, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

18.02.2026

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

1. The Managing Director
Tamil Nadu State Transport Corporation
Erode Region
Erode 638 001.
2. The General Manager
Tamil Nadu State Transport Corporation
Coimbatore Division, Chennimalai Road
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M. DHANDAPANI, J.

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