



W.P.No.5330 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.02.2026

CORAM:

THE HONOURABLE MR. JUSTICE T.VINOD KUMAR

W.P.No.5330 of 2021

and

WMP.No.5908 of 2021

P.Marimuthu

... Petitioner

vs

The State Express Transport Corporation Ltd.,
Rep. By its Managing Director,
No.2, Pallavan Salai,
Chennai – 600 002.

... Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, to call for the records of the respondent in ஆணை எண்.052527/டி.எல்.2/அ.விபோ.க./2017 நாள் 28.11.2017 and ஆணை எண்.045066/டி.எல்.2/அ.விபோ.க./2017 நாள் 12.03.2019 and quash the same and consequently direct the respondent to grant the increments withheld by him and pass orders.



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For Petitioner : Mr.D.Soundar Raj
For Respondents : Mr.P.Dinesh Kumar
for Mr.T.Chandrasekaran

ORDER

Heard the learned counsel for the petitioner and the learned counsel for the respondent and perused the records.

2. The case of the petitioner in brief is that aggrieved by the action of the respondent in issuing show cause notice dated 05.02.2019 and taking action on the basis of the proceedings dated 28.11.2017 and 12.03.2019, the petitioner had submitted a statutory appeal on 12.04.2019 and the said appeal remains to be considered by the Appellate Authority; and that the respondent while keeping the statutory appeal filed by the petitioner pending, has taken steps to give effect to the proceedings dated 28.11.2017, which action of the respondent it is highly contended as illegal and arbitrary.

3. The counter affidavit on behalf of the respondent is filed.



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4. The respondent by the counter affidavit stated as under:-

“It is submitted that the Appellate Authority failed to find any prima facie case itself in the appeal petition of the petitioner which was submitted on 12.04.2019.”

5. Today, when the writ petition is taken up for hearing, the learned counsel appearing on behalf of the respondent on instructions submits that the appeal petition stated to have been submitted by the petitioner on 12.04.2019 forming part of material paper at page 32 only bears a seal of the respondent corporation and there is no signature by the concerned receiving authority and as such, no appeal is filed by the petitioner as claimed in the writ petition.

6. The aforesaid statement made to this Court by the learned counsel appearing on behalf of the respondent today is contrary to the assertion made by the respondent in the counter affidavit filed into this Court in 2021 wherein the respondent in paragraph 17 had categorically admitted to having received the appeal petition submitted by the petitioner and also he having found no *prima facie* case as noted hereinabove.



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7. In view of the aforesaid categorical assertion made by the respondent in the counter affidavit of the said authority having received statutory appeal filed by the petitioner on 12.04.2019, this Court is of the view that it is not open for the respondent now to claim of the appeal not having been received by them. If only the said statement made by the learned counsel appearing on behalf of the respondent is to be accepted as correct, the said fact would have been stated by the respondent in the counter affidavit filed by them at the earliest point of time. On the other hand, a perusal of the counter affidavit clearly shows that not only the respondent received the statutory appeal filed by the petitioner and also having gone through the contents of the appeal had found no *prima facie* case has been made out by the petitioner therein. That being so, the claim now made to the contrary, cannot be accepted and the said oral submission made to this Court is rejected.

8. Since the respondent by the counter affidavit as noted herein above having categorically admitted to the fact of receiving statutory appeal submitted by the petitioner on 12.04.2019, this Court is of the view that the respondent could not have kept the appeal pending for such a long time and therefore, the said authority

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is to be directed to dispose of the appeal within a period of four weeks from the date of receipt of a copy of this order.

9. Further, this Court is of the view that since, the respondent have now sought to take a divergent view, claiming that the appeal submitted by the petitioner on 12.04.2019, having not been filed and received by them, despite the fact they had stated to the contrary in the counter affidavit filed, this Court is of the view that necessary disciplinary action should be initiated against the concerned authority who provided instructions to the Standing Counsel to the contrary and an entry of the action taken shall be made in his Service Register.

10. Accordingly, this Writ Petition is disposed of. Consequently, connected Miscellaneous Petition is closed. No order as to costs.

10.02.2026

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

dh

To

The State Express Transport Corporation Ltd.,

Rep. By its Managing Director,

No.2, Pallavan Salai,

Chennai – 600 002.

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T. VINOD KUMAR, J.

dh

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