



WEB COPY

WP No. 8941 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07-01-2026

CORAM

THE HON'BLE MR JUSTICE M.DHANDAPANI

WP No. 8941 of 2024

and WMP.Nos.9970 & 9971 of 2024

G.Balasubramanian

S/o.Gurusamy,No.49/157, Sudalaimadan Koil
Street, Muthukrishna Puram, Kadaiyanallur,
Tirunelveli.

..Petitioner(s)

Vs

1. M/s.State Express Transport Corporation
Rep By Its Managing Director, No.2,
Pallavan Salai, Chennai-02.
2. M/s.State Express Transport Corporation
Rep By Its Senior Deputy Manager (HRD),
No.2, Pallavan Salai, Chennai-02.

..Respondent(s)

Writ Petition filed under Article 226 of the Constitution of India, seeking issuance of a Writ of Certiorarified Mandamus, calling for the records of the 2nd respondent in his proceedings in Order No.002145/முன்5/அவ்மோக/2022 dated 04.11.2022 and Rejection order issued by 1st respondent in கு.எண்.20574/முன்5/அவ்மோக/2022 dated 29.04.2023 and quash the same and consequently direct the 2nd respondent to restore the original basic pay which was received by the petitioner by virtue of his 32 years of unblemished service rendered in the respondent corporation.



For Petitioner(s): Mr.D.Soundar Raj

For Respondent(s): M/s. L.S.M. Hasan Fizal
Additional Government Pleader

ORDER

This Writ Petition has been filed seeking quashment of the impugned proceedings of the second respondent passed in Order No.002145/முன்5/அவியோக/2022 dated 04.11.2022 and the Rejection order passed by the first respondent vide proceedings in கு.எண்.20574/முன்5/அவியோக/2022 dated 29.04.2023, and consequently, a direction to the second respondent to restore the petitioner's original basic pay.

2. Mr.L.S.M. Hasan Fizal, learned Additional Government Pleader takes notice on behalf of the respondents.

3. The case of the petitioner is that the petitioner joined the service of the respondent Corporation as a Driver on 03.03.1992 and he retired from the service on 31.03.2025. While he was in service, a Charge Memo came to be issued against him by the second respondent vide proceedings No.002145/DL1/SETC/2022 dated 27.04.2022, alleging that the passengers who were traveling in the petitioner's bus were diverted to another bus, without issuance of proper tickets, that the old tickets were reused and resold, resulting



in revenue shortage, and that entries made in the traffic report were incorrect.

Pursuant thereto, the petitioner submitted his explanation dated 27.04.2022.

Thereafter, a domestic enquiry was conducted and an enquiry report was submitted on 12.07.2022, wherein the charges were held to be proved against the petitioner. Based on the findings of the Enquiry Officer, the second respondent imposed a punishment of reduction to minimum basic pay for three years vide proceedings No.002145/முன்5/அவிபேரங்/2022 dated 04.11.2022. Aggrieved by the punishment order, the petitioner preferred an appeal before the first respondent / Appellate Authority and the same was rejected vide order dated 29.04.2023. Challenging the impugned orders passed by the first respondent/Appellate Authority and the second respondent, the petitioner has filed this Writ Petition.

4. Learned counsel for the petitioner submitted that the petitioner was recruited to the post of Driver and was also compelled to discharge the duties of Conductor. It was submitted that the petitioner and one Easwaran had alternately discharged their duties as Driver and Conductor on the route from Sengottai to Kozhikode during the period from 21.01.2022 to 23.01.2022. While so, the allegation that the petitioner had changed the bus route and diverted seven passengers to another bus cannot be sustained, particularly when Easwaran was driving the bus at that relevant point of time. It was further submitted that the said Easwaran was not examined during the enquiry, which



vitiates the proceedings. The learned counsel submitted that though it was alleged in the charge memo that the petitioner had collected a sum of Rs.170/- from one G.Mahendran without issuing a ticket, the said G.Mahendran was not examined in the enquiry. In the absence of examination of the complainant, the allegation based on such complaint is unsustainable. With regard to the allegation relating to recovery of old perforated tickets worth Rs.14,405/-, the learned counsel submitted that the petitioner had categorically denied the same and that the said allegation was not proved by any acceptable evidence. He submitted that mere recovery of the old tickets, that too prior to the enquiry, cannot by itself establish misappropriation. It is further contended that the punishment imposed on the petitioner, namely reduction to the minimum of basic pay for a period of three years, is grossly disproportionate and not in conformity with Rule 17 of the Tamil Nadu Industrial Employment (Standing Orders) Rules, 1947, and therefore the same is liable to be quashed.

5.1 Mr.L.S.M. Hasan Fizal, learned Additional Government Pleader appearing for the respondents submitted that the charge memo was issued by the second respondent on the ground that the petitioner had changed the bus route and diverted seven passengers to another bus. It is submitted that one among the said seven passengers had lodged a complaint against the petitioner alleging non issuance of ticket for a sum of Rs.170/-. He further submitted that the tickets of two passengers among the said seven, which were



confiscated by the Checking Inspector, were found to be old tickets, and that old perforated tickets worth Rs.14,405/- were also found in the jholna bag of the petitioner during inspection.

5.2 The learned counsel further submitted that such acts of misappropriation resulted in shortage of revenue to the respondent Corporation. Therefore, the petitioner was imposed with a minor punishment of reduction to minimum basic pay for a period of three years and, as such, the punishment order passed by the second respondent does not warrant any interference. Hence, he prayed for dismissal of the Writ Petition.

6. Heard the learned counsel on either side and perused the materials available on record.

7.1 This Court finds that there were ten charges framed as against the petitioner, all relating to dereliction of duty, collection of money without issuing the tickets and possession of old perforated tickets. Since the charges levelled against the petitioner were found proved, the second respondent passed the impugned order of punishment imposing reduction of the basic pay to the minimum basic pay of a fresh recruit for a period of three years, purportedly in terms of Rule 17 of the Tamil Nadu Industrial Employment (Standing Orders) Rules, 1947.



7.2 However, it is seen from the records that the said punishment imposed on the petitioner is not contemplated under the relevant Standing Orders and the same is grossly disproportionate. Therefore, this Court is inclined to modify the punishment imposed on the petitioner from one of reduction to the minimum basic pay for a period of three years to one of stoppage of increment for a period of three years, without cumulative effect.

7.3 Since the petitioner retired during the pendency of the Writ Petition, the respondents are directed to settle the terminal benefits and other retirement benefits payable to the petitioner, within a period of twelve (12) weeks from the date of receipt of a copy of this order.

8. This Writ Petition stands disposed of with the above observation and direction. There shall be no order as to costs. Consequently, connected Writ Miscellaneous Petitions are closed.

07-01-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

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To

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Rep By Its Managing Director, No.2, Pallavan
Salai, Chennai-02.
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Rep By Its Senior Deputy Manager (HRD),
No.2, Pallavan Salai, Chennai-02.



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M.DHANDAPANI, J.

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