



WEB COPY



W.P No.41798 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.02.2026

CORAM

THE HONOURABLE MR.JUSTICE HEMANT CHANDANGOUDAR

W.P No.41798 of 2016

and WMP.Nos. 35775 & 35776 of 2016

S. Achuthan

..Petitioner

Vs

1.Tamilnadu State Transport
Corporation (Coimbatore)Ltd.,
Rep by its Managing Director,
37, Mettupalayam Road,
Coimbatore.

2.The General Manager,
Tamilnadu State Transport
Corporation (Coimbatore)Ltd.,
Rep by its Managing Director,
37, Mettupalayam Road,
Coimbatore.

3.The Assistant Manager (P&A)
Tamilnadu State Transport
Corporation (Coimbatore)Ltd.,
Rep by its Managing Director,
37, Mettupalayam Road,
Coimbatore.

4.The State Transport Corporations' Employees
Pension Fund Trust,



W.P No.41798 of 2016

Rep by its Administrator,
Thiruvalluvar Illam, Pallavan Salai,
Chennai-600002.

..Respondents

Writ Petition is filed under Article 226 of Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order dated 31.1.2015 in proceedings No.1/ G5/354/ TNSTC/14 reducing his basic pay by one stage and the order dated 23.1.2015 in proceedings NO.7/P4/ Sa. Pa/Pi TNSTC (K) 2015 the order dated 6.3.2015 in proceedings No.10/P4/ Sa.Pa.Pi.TNSTC (K)/2015 and dated 17.8.2015 in proceedings No.387/P4 / Sa.Pa.Pi. TNSTC (K)/2015 passed by the 3rd respondent quash the same and consequently direct the respondents to pay the petitioner all the pensionary service and other terminal benefits and a sum of Rs.3 689/- which was already recovered from his salary for the month of January 2015 towards recovery together with interest at the rate of 12% per annum, award costs.

For Petitioner : Ms. G.K.Dharshini

For Respondents : Mr. A. Sundaravadhanan -R1 to R3

ORDER

The petitioner challenges the order dated 31.01.2015 passed by the 2nd respondent and the orders dated 06.03.2015 and 17.08.2015 passed by the 3rd respondent. By the order dated 31.01.2015 passed by the 2nd respondent, the petitioner was imposed with the punishment of reduction of basic pay by one stage. By the order dated 06.03.2015 passed by the 3rd respondent, a sum of Rs.30,740/- was sought to be recovered from the petitioner towards the monetary value of the unimplemented punishment of stoppage of annual



W.P No.41798 of 2016

increment. Subsequently, by order dated 17.08.2015 passed by the 3rd respondent, recovery of Rs.30,740/- towards the monetary value of the unimplemented punishment of stoppage of annual increment was ordered and, after deducting a miscellaneous amount of Rs.3,689/-, the total amount payable to the Corporation was determined at Rs.27,051/-, to be recovered from the salary for January 2015.

2. The petitioner, while serving as a Driver, was issued with a charge memo alleging that, on account of his rash and negligent driving of a bus belonging to the respondent-Corporation, monetary loss was caused to the Corporation.

3. The explanation submitted by the petitioner was found unsatisfactory, necessitating the initiation of disciplinary proceedings. The Enquiry Officer, after conducting the enquiry, submitted a report holding that the charges against the petitioner stood proved. The petitioner submitted a further explanation, which came to be rejected. The Disciplinary Authority, accepting the findings of the Enquiry Officer, passed the impugned order of punishment. Based on the punishment imposed, the respondent issued consequential orders directing recovery of the amount towards the monetary value of the unimplemented



W.P No.41798 of 2016

punishment of stoppage of annual increment, as the petitioner had by then retired from service.

4. The arguments advanced by the learned counsel on either side and the materials placed on record have been duly considered.

5. The learned counsel for the respondent-Corporation submitted that the petitioner, without exhausting the appellate remedy available before the 1st respondent, has filed the present writ petition and, therefore, the writ petition is not maintainable and is liable to be dismissed.

6. The enquiry report, which is in the vernacular language, was orally translated by the learned counsel appearing on either side and relevant portions are also extracted in paragraph 4 of the affidavit. In the enquiry, MW1 admitted that the accident occurred solely due to the rash and negligent driving of the victim. The Enquiry Officer also recorded a finding that the accident occurred due to the skidding of the motor vehicle and that the victim had caused the accident by driving on the wrong side of the road without following traffic rules.

7. In the criminal case, the petitioner was acquitted by extending the benefit of doubt. In the proceedings for compensation under the motor vehicles act , the respondent-Corporation categorically took the stand that the accident



W.P No.41798 of 2016

was caused solely due to the rash and negligent driving of the motorcycle rider and not by the petitioner. Having taken such a stand, and in light of the acquittal, the Enquiry Officer, contrary to the evidence on record, submitted a report holding that the charges against the petitioner were proved.

8. In light of the above, it is clear that the 2nd respondent, without properly considering the materials on record and the further explanation submitted by the petitioner, passed the impugned order, which is contrary to the evidence and records and is therefore arbitrary, discriminatory and legally unsustainable. Since the petitioner had retired from service, the 3rd respondent passed consequential orders directing recovery towards the monetary value of the unimplemented punishment of stoppage of annual increment.



W.P No.41798 of 2016

WEB COPY

9. In the result, the following order is passed:

(i) The Writ Petition is allowed.

(ii) The impugned punishment order passed by the 2nd respondent is set aside. Consequently, the recovery orders passed by the 3rd respondent are also set aside.

(iii) The respondent-Corporation is directed to refund the amount recovered from the petitioner pursuant to the impugned orders, within a period of three (3) months from the date of receipt of a copy of this order.

(iv) Consequently, the connected Miscellaneous Petitions are closed. There shall be no order as to costs.

04.02.2026

Index : Yes
Internet : Yes
Neutral Citation : Yes/No
ak



W.P No.41798 of 2016

WEB COPY

To
1.Tamilnadu State Transport
Corporation (Coimbatore)Ltd.,
Rep by its Managing Director,
37, Mettupalayam Road,
Coimbatore.

2.The General Manager,
Tamilnadu State Transport
Corporation (Coimbatore)Ltd.,
Rep by its Managing Director,
37, Mettupalayam Road,
Coimbatore.

3.The Assistant Manager (P&A)
Tamilnadu State Transport
Corporation (Coimbatore)Ltd.,
Rep by its Managing Director,
37, Mettupalayam Road,
Coimbatore.

4.The State Transport Corporations' Employees
Pension Fund Trust,
Rep by its Administrator,
Thiruvalluvar Illam, Pallavan Salai,
Chennai-600002.



WEB COPY



W.P No.41798 of 2016

HEMANT CHANDANGOUDAR, J.

ak

W.P No.41798 of 2016

04.02.2026