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W.P.Nos.17666 and 6204 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.01.2026

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.Nos.17666 and 6204 of 2024

V.Raja

... Petitioner in both the W.Ps.

Vs.

- 1 THE MANAGING DIRECTOR
TAMILNADU STATE TRANSPORT CORPORATION
(COIMBATORE) LTD.,
NO.37, METTUPPALAYAM ROAD,
COIMBATORE – 641 043 Respondent in W.P.17666/2024
- 1 THE MANAGING DIRECTOR
TAMILNADU STATE TRANSPORT CORPORATION
(COIMBATORE) LTD.,
NO.37, MILLUPPALAYAM ROAD,
COIMBATORE – 641 043. Respondent in W.P.6204/2024
- 2 THE GENERAL MANAGER,
TAMILNADU STATE TRANSPORT CORPORATION
(COIMBATORE) LTD.,
ERODE DIVISION
NO.45, CHENNIMALAI ROAD,
ERODE – 638 001. ... Respondent in all the W.Ps.

Prayer in W.P.No.17666 of 2024:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records connected with the orders of the first respondent passed in



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proceedings No.1/D1/F13/Law/Coimb/ER/2021, dated 21.12.2023 rejecting the representation of the petitioner to review the punishment of stoppage of increment cut for 3 years with cumulative effect inflicted on him by the second respondent in his proceedings No.1/D1/F13/Law/Coimb/ER/2021, Dated 08.04.2022 and as confirmed by the first respondent in No.1/D1/F13/Law/Coimb/ER/2021, dated 19.07.2022 on Appeal, quash the same and consequently directing the respondents to restore his three increments on the respective due dates and its resultant monetary benefits based on the Trial Court's Judgment dated 31.10.2023 passed in C.C.No.261/2022 by the Judicial Magistrate No.1, Tirupur.

Prayer in W.P.No.6204 of 2024:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records connected with the punishment of stoppage of increment cut for 3 years with cumulative effect inflicted on the petitioner by the second respondent in his proceedings No.1/D1/F13/Law/Coimb/ER/2021, Dated 08.04.2022 and as confirmed by the first respondent in No.1/D1/F13/Law/Coimb/ER/2021, dated 19.07.2022 on appeal quash the same and consequently directing the respondents to restore the three increments of the petitioner on the respective due dates and its resultant benefits based on the Trial Court Judgment dated 31.10.2023 passed in C.C.No.261/2022 by the Judicial Magistrate No.1, Tirupur.

For Petitioner : Ms.S.Girija
For Respondents : Mr.C.Gouthamaraj
Standing Counsel



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COMMON ORDER

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W.P.No.17666 of 2024 has been filed seeking issuance of Writ of Certiorarified Mandamus calling for the records connected with the orders of the first respondent in proceedings No.1/D1/F13/Law/Coimb/ER/2021, dated 21.12.2023 rejecting the representation of the petitioner to review the punishment of stoppage of increment cut for 3 years with cumulative effect inflicted on him by the second respondent in proceedings No.1/D1/F13/Law/Coimb/ER/2021, dated 08.04.2022 and as confirmed by the first respondent in No.1/D1/F13/Law/Coimb/ER/2021, dated 19.07.2022 on appeal, quash the same and consequently directing the respondents to restore his three increments on the respective due dates and its resultant monetary benefits based on the Trial Court's Judgment dated 31.10.2023 passed in C.C.No.261 of 2022 by the learned Judicial Magistrate No.1, Tirupur.

2.W.P.No.6204 of 2024 has been filed seeking issuance of Writ of Certiorarified Mandamus calling for the records connected with the punishment of stoppage of increment cut for 3 years with cumulative effect inflicted on the petitioner by the second respondent in proceedings No.1/D1/F13/Law/Coimb/ER/2021, dated 08.04.2022 and as confirmed by the first respondent in No.1/D1/F13/Law/Coimb/ER/



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2021, dated 19.07.2022 on appeal, quash the same and consequently directing the respondents to restore the three increments of the petitioner on the respective due dates and its resultant benefits based on the Trial Court Judgment dated 31.10.2023 passed in C.C.No.261 of 2022 by the learned Judicial Magistrate No.1, Tirupur.

3.The learned counsel appearing for the petitioner submitted that the petitioner joined the services of the respondents on 16.09.2006. On 06.05.2021 at about 10.30 a.m., when the petitioner was driving the bus in Tirupur – Chengalpattu Route at Tirupur, Uthukuli Road at Karumaram Palayam in front of Sathya Complex, a motorcycle which tried to overtake the bus, lost balance and fell on the right rear side of the Arch and wheel of the bus due to which the rider of the motorcycle lost his life. Thereafter the petitioner was placed under suspension on 07.05.2021 and the same was revoked on 01.06.2021 and the petitioner was allowed to join duty with effect from 06.06.2021 and was directed to undergo training and after one month training in Bhavani Sagar, the petitioner was reinstated into service as driver on 08.08.2021 and the period of suspension was also later regularized as leave.



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4.The learned counsel appearing for the petitioner further submitted that the Management issued charge memo dated 21.07.2021 to the petitioner alleging rash and negligent driving and after enquiry imposed the punishment of increment cut for three years with cumulative effect and challenging the same, the petitioner preferred appeal before the first respondent and the first respondent confirmed the punishment and aggrieved by the same, the petitioner has filed W.P.No.6204 of 2024. In the meanwhile, the petitioner made representation dated 27.11.2023 to the Management requesting to review and set aside the punishment of increment cut for three years with cumulative effect and the Management rejected the petitioner's representation and aggrieved by the same, the petitioner has filed W.P.No.17666 of 2024.

5.The learned counsel appearing for the petitioner further submitted that bare perusal of the impugned orders itself makes it clear that without any discussion, the orders have been passed which can be interfered on the ground of non application of mind. The learned counsel further submitted that for the very same incident, a criminal case was registered against the petitioner and the same



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ended in favour of the petitioner holding that the petitioner was not responsible for the accident, however, without considering the same, the respondents have passed the impugned order.

6.The learned Standing Counsel appearing for the respondents submitted that the petitioner was involved in a fatal accident in which the rider of a motorcycle lost the life, for which, disciplinary proceedings was initiated against the petitioner and minor punishment was imposed on him. Though the petitioner was acquitted in the criminal case, what is required in criminal case is beyond reasonable doubt and what is required in disciplinary proceedings is preponderance of probabilities. Hence, the impugned orders warrant no interference.

7.Heard the arguments advanced on either side and perused the materials available on record.

8.It is not in dispute that the petitioner was involved in a fatal accident in which, the rider of a motorcycle lost the life, for which, a criminal case was registered against the petitioner and the



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same ended in favour of the petitioner holding that the petitioner was not responsible for the accident. Mere acquittal in the criminal case will not give a clean chit in the disciplinary proceedings. What is required in criminal case is beyond reasonable doubt and what is required in disciplinary proceedings is preponderance of probabilities. However, the first respondent has rejected the appeal preferred by the petitioner without any discussion, which is clear non application of mind.

9.In view of the above, the orders passed by the first respondent dated 21.12.2023 and 19.07.2022 are set aside and the matter is remanded back to the first respondent. The first respondent is directed to hear the petitioner and pass appropriate orders, within a period of twelve weeks from the date of receipt of a copy of this order.

10.The writ petitions are disposed of. No costs.

20.01.2026

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Index: Yes/ No

Speaking Order: Yes/ No

NCC: Yes/ No

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M.DHANDAPANI,J.
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To

- 1 THE MANAGING DIRECTOR
TAMILNADU STATE TRANSPORT CORPORATION
(COIMBATORE) LTD.,
NO.37, METTUPPALAYAM ROAD,
COIMBATORE – 641 043 Respondent in W.P.17666/2024
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