IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.02.2026

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.47170 of 2025
And
W.M.P.No.52717 of 2025

C.Kumar ... Petitioner

Vs.

1 THE MANAGING DIRECTOR
TAMIL NADU TRANSPORT CORPORATION (SALEM) LIMITED,
12, RAMAKRISHNA ROAD,
SALEM DISTRICT – 636 007.

2 THE GENERAL MANAGER
TAMIL NADU TRANSPORT CORPORATION (SALEM) LIMITED,
12, RAMAKRISHNA ROAD,
SALEM DISTRICT – 636 007.

3 THE ASSISTANT MANAGER (PERSONNEL),
TAMIL NADU TRANSPORT CORPORATION (SALEM) LIMITED,
12, RAMAKRISHNA ROAD,
SALEM DISTRICT – 636 007. ... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the records pertaining to the letter of the third respondent in Ku.No.E8/3150/TNSTC (Salem)/2025 dated 22.09.2025 and quash the same.

For Petitioner : Mr.CKM Appaji
For Respondents : Mr.Anand Gopalan
for Mr.K.Raja

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Certiorari calling for the records pertaining to the letter of the third respondent in Ku.No.E8/3150/TNSTC (Salem)/2025 dated 22.09.2025 and quash the same.

2.The learned counsel appearing for the petitioner submitted that the petitioner was appointed as Trainee Driver vide proceedings of the General Manager, Anna Transport Corporation, Salem on 13.09.1994 and thereafter his services were regularized. The petitioner is the active member of All Employees Union, Salem Region, due to which, the petitioner was denied promotion. The petitioner is about to attain the age of superannuation on 30.06.2026. Whileso, the third respondent issued the impugned letter directing the petitioner to pay a sum of Rs.4,80,800/- to recover unimplemented orders of punishment of postponement of increment.

3.The learned counsel appearing for the petitioner further submitted that the issue involved in this writ petition is no longer res integra and it has already been decided by this Court in the case of ***R.Gopal Vs. Tamil Nadu State Transport Corporation, Rep. By its Managing Director, Salem and another [W.P.No.2998 of 2017 dated 13.03.2024]***.

4.The learned counsel appearing for the respondents submitted that the decision relied upon by the learned counsel appearing for the petitioner is not applicable to the present case on hand since the petitioner therein is a retired employee and the petitioner herein has not yet retired from service and further submitted that when a person is in service, the punishment can be implemented prior to retirement, if not already implemented.

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

6.The petitioner entered the service of the respondent in the year 1994 and thereafter his services were regularized. The third respondent issued the impugned letter directing the petitioner to pay a sum of Rs.4,80,800/- to recover unimplemented orders of punishment of postponement of increment. However, the impugned letter did not reveal that when the punishment of postponement of increment was imposed and that was the amount imposed. Without such details, the third respondent has issued the omnibus impugned letter, which is not sustainable.

7.It is useful to extract hereunder the relevant portion of the order of this Court in the case of ***R.Gopal Vs. Tamil Nadu State Transport Corporation, Rep. By its Managing Director, Salem and another [W.P.No.2998 of 2017 dated 13.03.2024]***:

> *"10. A learned Single Judge of this Court by following the judgment of the Division Bench of Madurai Bench of Madras High Court in the case of State Transport Corporation rep. By Managing Director Vs. Senthil and another dated 15.06.2021 allowed the writ petition. The relevant paragraphs of the Division Bench Judgment are extract hereunder.*
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> > *7. The above condition states that the increment postponement orders which could not be implemented prior to the superannuation of the employee can be implemented, but only in accordance with the Common Service Rules and the Standing Orders which are applicable to the*

organization. This question was considered in the case of J.Arumugam (supra), as first among the several issues and it was held that there is no provision in the Certified Standing Orders enabling the Management to pass orders of recovery as passed in the instant case. In fact, the Court held that the Common Service Rules are not applicable to the workmen and there is no Standing Order framed by the Management and only Certified Standing Orders are in vogue and the Certified Standing Orders do not provide for any such recovery. The operative portion of the judgment reads as follows:

"5. Before deciding the merits of the case, firstly, it has to be seen, as to, under which Rule, the workmen of the Management are governed by. It is admitted by the Management that the workmen are governed by Certified Standing Orders, framed for the employees of the Management/Corporation by the Appellate Authority under the Industrial Employment (Standing Orders) Act 1946 (supra), but, contrary to the same, the impugned orders of recovery were passed by the Management, by following the provisions of the Common Service Rules, viz., Rule 4 (1) (e). Pitted with this position, the learned

counsel for the Management submitted that the Management has no option, except, to opt for Rule 4 (1) (e) of the Common Service Rules, for, the workmen suffered punishment of withholding of increment, which could not be given effect to, as the workmen did not have the requisite remaining years of service. That apart, such a remedy is not found in the Certified Standing Orders. This submission is untenable, for the reason that, when the Management has admitted that the workmen are governed by the Rules framed under the Certified Standing Orders, in violation to the same, it cannot follow Rule 4 (1) (e) of the Common Service Rules, by invoking Clause 25 (1) (iv) (b) of the Certified Standing Orders. Therefore, we have no hesitation to hold that the orders passed by the Management, recovering three times the monetary value equivalent to the amount of increment, are without jurisdiction, as there is no such provision in the Certified Standing Orders, enabling the Management to pass such orders. Therefore, on that ground, the impugned orders are required to be set aside."

8. Therefore, the contention of the appellant~Management that Clause 8 of the

12(3) Settlement provides for passing such an order in an Organisation, is stated to be rejected. Clause 8 cannot be used as a tool or a source of power to recover money from the workman, especially, when the Settlement only states that it can be done so, if there is a provision under the Common Service Rules or the Standing Orders.

9. Furthermore, the question as to whether the Management would be entitled to implement orders of postponement of increment, which was not implemented during the period when the workman was in service, was also considered in the case of J.Arumugam (supra) and it was held that the same cannot be done and it will be without jurisdiction. The operative portion of the judgment reads as follows:

"37. One more important aspect, which we wish to point out is that, the Management cannot plead ignorance of the fact that, on the date, when punishment was imposed on the workmen, the punishment was not capable of being implemented as workmen did not have the required remaining years of service. If that is so, the Management cannot take shelter under the explanation contained

Clause 4 (1) (e) to suit its own convenience, and the workmen cannot be put in a disadvantageous position. In such circumstances, the Management cannot rely on the decision of the Hon'ble Supreme Court in Kshetrabasi Mohanti (supra) where, the Hon'ble Supreme Court considered the correctness of the order by substituting the punishment for a candidate, who was still in service. There, it was a case, where, it was not possible for the Corporation to implement the punishment, but, the case on hand, is a case, where, the Corporation was fully aware of remaining years of service in respect of each of the workmen, yet, chose to pass such orders of recovery. Thus, the Management, having failed to convert the punishment of stoppage of increment to that of order of recovery of monetary value, when the workmen were in service, it cannot turn around and say that those orders could be implemented by invoking Clause 25 (iv) (b) of the Certified Standing Orders."

10. In the light of the above legal principle and having found that there is no provision in the Certified Standing Orders to pass orders of recovery at the verge of *retirement or after retirement proposing to recover the unimplemented orders of punishment of postponement of increment, is wholly without jurisdiction. Hence, for the reasons set out by the learned Single Bench as well as the reasons which we have observed supra, the order passed in the writ petition does not call for interference. The learned Single Bench has allowed the writ petition as prayed for, which would mean that the respondent~workman is also entitled to claim interest at 18% per annum. In our considered view, 18% interest would be too exorbitant and we are of the view that a time frame can be fixed for the respondent~Management to settle the amount of Rs.75,900/- and accordingly directed to pay the said sum within a period of 12 weeks, failing which, the Management is directed to settle the amount together with the interest at the rate of 6% per annum from the date of order passed in the writ petition, namely, 28.07.2020, till the claim is settled.*

11. On perusal of the above judgment, it is clear that the respondents are not empowered under Standing Orders who passed orders for recovery at the verge of the retirement proposing to recover the unimplemented orders *of punishment of postponement of increment, is wholly without jurisdiction and the said decision is squarely applicable in the present case also. Accordingly, by following the judgment stated supra, this Court is inclined to issue following orders:*

'(i) The order bearing No.E7/2155/TNSTC (Salem)/2015 dated 02.04.2015 passed by the first respondent is hereby quashed; and

(ii) The respondents are directed to pay all terminal benefits for which the petitioner is legally entitled for, within a period of six weeks from the date of receipt of a copy of this order.""

8.Applying the ratio laid down in the decision cited supra, the the letter of the third respondent in Ku.No.E8/3150/TNSTC (Salem)/2025 dated 22.09.2025 is set aside. The writ petition is allowed. No costs. Consequently, the connected miscellaneous petition is closed.

25.02.2026

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Index: Yes/ No
Speaking Order: Yes/ No
NCC: Yes/ No

To

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