



W.A(MD)No.453 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.02.2026

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HONOURABLE MRS.JUSTICE R.KALAIMATHI

W.A(MD)No.453 of 2021

Ramasamy

... Appellant /
Petitioner

Vs.

1.The Management of
Tamil Nadu State Transport
Corporation (Kumbakonam) Ltd.,
Represented by its
Managing Director,
Kumbakonam.

2.The General Manager,
Tamil Nadu State Transport
Corporation (Kumbakonam) Ltd.,
Tiruchirappalli Region,
Tiruchirappalli.

... Respondents /
Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent Act to set aside the order of the learned Judge passed in W.P(MD)No.12174 of 2015 dated 21.12.2020 and allow the writ petition as prayed for.

For Appellant : Mr.A.Rahul



For Respondents : Mr.H.C.Herold Singh
Standing Counsel

JUDGMENT

(Judgment of the Court was made by G.R.Swaminathan J.)

Heard both sides.

2.The unsuccessful writ petitioner is the appellant before us.

3.The appellant joined the respondent transport corporation as driver. On 10.02.2007, the bus driven by him met with an accident. The management initiated disciplinary action against the appellant and issued a charge memo dated 13.03.2007. It contained 3 articles of charge. The appellant offered his explanation. Not satisfied with the same, the management straightaway imposed the punishment of stoppage of increment for a period of six months with cumulative effect.

4.Challenging the said punishment, the appellant filed an appeal before the appellate authority. Since it was not considered, the appellant filed W.P(MD)No.12174 of 2015. The learned single Judge dismissed the writ petition vide order dated 21.12.2020 on the ground that the



W.A(MD)No.453 of 2021

appellant ought to have moved the jurisdictional labour Court. Assailing the said dismissal order, this writ appeal has been filed.

5.We must straightaway disagree with the reason assigned by the learned single Judge that the appellant has remedy before the labour Court. As rightly pointed out by the learned counsel appearing for the appellant, only in cases of dismissal, removal or discharge, the individual can approach the labour Court on his own. Otherwise, the dispute will have to be espoused by the concerned union under Section 2(k) of the Industrial Disputes Act, 1947. In other words, the workman has to be at the mercy of the union. This cannot be construed as an effective alternative remedy. Therefore, we hold that the dismissal of the writ petition on the ground of non-exhaustion of the alternative remedy was incorrect.

6.It is seen that the punishment was imposed on the appellant without holding any enquiry. The learned Standing Counsel appearing for the corporation submitted that in a case of this nature, the Standing Orders do not envisage holding an enquiry. This defence was specifically rejected by one of us (GRSJ) vide order dated 18.01.2018 in



W.A(MD)No.453 of 2021

W.P(MD)No.17463 of 2014 (S.D.Kamaraj Vs Tamilnadu State

Transport Corporation (Kumbakonam) Limited & Another).

Paragraphs 6 and 7 of the said order read as follows:

“6.No doubt, service conditions of the employees like writ petitioner are governed by the standing orders for the employees of Cholan Roadways Corporation Limited, Kumbakonam. Clause 25(1) reads as under:

“25.Punishment for Misconduct:

1.The following shall be the prescribed punishment that may be awarded to workman, guilty of misconduct.

i.Censure

ii.Fine: Subject to the provisions of Payment of Wages Act.

iii.Stoppage of increments: Stoppage of increments with or without cumulative effect.

iv. a)Recovery from wages whole or part of any pecuniary loss, caused to the Corporation by the negligence of breach of orders of the workman.

b)Recovery from pay to the extent necessary of the monetary value equivalent to the amount of increment ordered to be withhold where such an order cannot be given effect to.

c)recovery of from pay to the extent necessary of the monetary value equivalent to the amount of reduction to a lower stage in a time scale



W.A(MD)No.453 of 2021

ordered where such an ordered cannot be given effect to.

v.Suspension not exceeding 30 days.

vi.Demotion to lower post or lower grades. No workman shall be demoted to any post or grades lower than to which he was initially recruited under the Corporation.

Vii.Compulsory retirement

viii.Removal from service or discharge.

ix.Dismissal from service.

x.Any of the above in case of accidents where driver is found to be guilty.

Clause 26(vi) reads as under:

“26.The following proceedings shall be followed before awarding punishment to any workman:

i.

ii. To v.

vi. a. When the charge has not been admitted an enquiry shall be conducted, if so desired by the workman in cases involving major punishment defined in items V to IX of S.O.25.

b.No such enquiry will be necessary in cases involving minor punishment defined in items (i) to (iv) of S.O.25.”

7.The pointed contention raised by the learned counsel for the respondent is that the penalty imposed on the petitioner falls within the clause 25(1)(iii) of the standing order. Since it has been specifically stated that



W.A(MD)No.453 of 2021

*enquiry is not necessary in cases involving minor punishment defined in items (i) to (iv) of S.O.25, **the submission of the writ petitioner is liable to be rejected.***

I am not persuaded to accept the said argument. Clause 26(vi) of S.O. only states that in cases involving major punishment defined in items (vi) to (ix) of S.O.25 enquiry shall be conducted if so desired by the workman. Clause 26(vi)(b) states that no such enquiry will be necessary in cases involving minor punishment defined in items (i) to (iv) of S.O.25. The said clause only states that such enquiry will not be necessary in cases involving minor punishment defined in items (i) to (iv). There is no specific prohibition or exclusion of holding of enquiry even in cases falling under clause 26(vi)(b). Since stoppage of increment having cumulative effect is having an impact on the pay of the workman till the retirement and even thereafter on his pension, one has to necessarily come to the conclusion that it is a major penalty. This court can take judicial notice of the fact that in the discipline and appeal rules governing employees in all other departments, such a penalty is construed only as a major punishment. Fairness requires that enquiry is conducted in such cases. Even though standing orders in question would take the position that enquiry is not necessary, this Court is inclined to read the principles of natural justice into the said provision.”



W.A(MD)No.453 of 2021

7.We, therefore, hold that the petitioner could not have been imposed with a penalty of this nature, which has implications on his pension, without holding an enquiry. On this sole ground, the punishment imposed on the petitioner is liable to be set aside.

8.The learned Standing Counsel for the corporation contended that when a punishment is set aside on the ground of non-adherence to the principles of natural justice, the only course action open to the writ Court is to remand the matter to the authority for fresh disposal in accordance with law. We are not inclined to adopt the said approach in this case. This is because the appellant had reached the age of superannuation in the year 2019 itself.

9.We, therefore, modify the punishment to one of stoppage of increment for a period of 6 months without cumulative effect. As a result of this modification, the pensionary benefits of the appellant shall not be affected in any way by the impugned punishment. The order passed by the learned single Judge is set aside. The management is directed to revise the appellant's pension accordingly.



W.A(MD)No.453 of 2021

10.This Writ Appeal is partly allowed. No costs.

WEB COPY

[G.R.S., J.] [R.K.M, J.]
10.02.2026

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
MGA

To

- 1.The Managing Director,
Management of
Tamil Nadu State Transport
Corporation (Kumbakonam) Ltd.,
Kumbakonam.
- 2.The General Manager,
Tamil Nadu State Transport
Corporation (Kumbakonam) Ltd.,
Tiruchirappalli Region,
Tiruchirappalli.



WEB COPY



W.A(MD)No.453 of 2021

G.R.SWAMINATHAN,J.

AND

R.KALAIMATHI, J.

MGA

W.A(MD)No.453 of 2021

10.02.2026