



WA(MD)No.893 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Dated : 23.06.2026

CORAM

THE HONOURABLE MR. JUSTICE N.SATHISH KUMAR
and
THE HONOURABLE MR. JUSTICE M.JOTHIRAMAN

WA(MD)No.893 of 2026
and
CMP(MD)No.7565 of 2026

1. The Managing Director,
Tamil Nadu State Transport Corporation (Tirunelveli) Ltd.,
Tirunelveli.

2. The General Manager,
Tamil Nadu State Transport Corporation (Tirunelveli) Ltd.
Nagercoil Region, Ranithottam, Nagercoil,
Kanyakumari District.

Appellant(s)

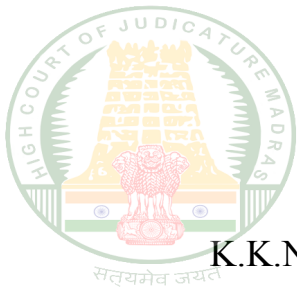
Vs.

1. A.Rajakumar

2. The Secretary to Government,
Transport Department,
Secretariat, Chennai - 9.

3. M.Merlin Jeyanthi,
Additional Director,
Institute of Road Transport,
Tharamani, Chennai – 113.

4. The Commissioner,
Commissionerate for the Welfare of Differently Abled,



WA(MD)No.893 of 2026

K.K.Nagar, Chennai -78.

... Respondents

WEB COPY

PRAYER :- Writ Appeals filed under Clause 15 of Letters Patent, against the order made in W.P(MD)No.30339 of 2025 dated 09.01.2026.

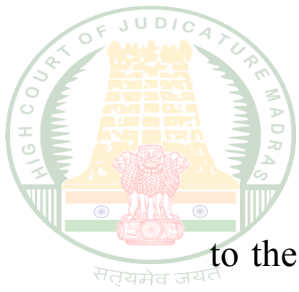
For Appellant : Mr.B.Saravanan, Additional Advocate General
assisted by Mr.P.F.Ferlin Castro
For R1 : Mr.S.Govindan
For R2 & R4 : Mr.C.Jeganathan, Counsel for State

JUDGMENT

(Judgment of the Court was made by **N.SATHISH KUMAR, J.**)

Challenging the order of the learned Single Judge quashing the punishment with a direction to promote the 1st respondent / writ petitioner, the present appeal has been filed by the Transport Corporation.

2. The writ petitioner filed the writ petition challenging the punishment of stoppage of increment for three months without cumulative effect imposed by the disciplinary authority and the order of the appellate authority enhancing the said punishment into punishment of stoppage of increment for three years with cumulative effect. According



WA(MD)No.893 of 2026

to the 1st respondent, he was appointed as a Conductor in the year 1997 and presently conferred with the Special Grade Conductor and he is entitled to be promoted as a Checking Inspector under the quota earmarked for Graduate Conductor as per the seniority. The post of Checking Inspector is to be filled up in the ratio of 75% and 25%, i.e., 75% by way of promotion from among the Selection Grade Conductors having prescribed qualification as per seniority and the remaining 25% from the senior Grade Conductors who possess degree qualification. The writ petitioner has already filed W.P(MD)No.7208 of 2022 seeking to release separate list for graduates and for a consequential direction to promote him as Checking Inspector under the 25% quota. This Court by order dated 15.07.2022, directed the respondents therein, to release the separate seniority list of Conductors for the year 2020-21 for promotion under 25% quota. However, without complying the orders of this Court to prepare the seniority list, a charge memo has been issued on 23.02.2024 *inter alia* alleging that the writ petitioner did not issue tickets to the passengers. Having issued the charge memo, without conducting any enquiry, punishment of stoppage of increment for three months without cumulative effect, has been imposed by the disciplinary



WA(MD)No.893 of 2026

authority. In the appeal, the appellate authority has enhanced the punishment into stoppage of increment for three years with cumulative effect. Hence, according to the petitioner, the entire action is nothing but victimization since the petitioner has already filed writ petition for fixing the seniority. The learned Single Judge after taking note of the fact that punishment has been imposed without conducting any departmental enquiry while quashing the punishment, directed the promotion of the 1st respondent. Challenging the same, the Corporation has filed this appeal.

3. Learned Additional Advocate General would submit that once the learned Single Judge has come to the conclusion that there was no proper enquiry, the learned Judge ought to have remitted the matter for conducting fresh enquiry, whereas, the learned Single Judge directed promotion of the writ petitioner. According to the learned Additional Advocate General, persons have already been promoted to such posts and when the seniority list was drawn later, a charge memo was already pending against the writ petitioner. Hence, he would assail the judgment of the learned Single Judge.

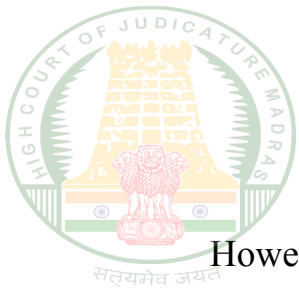


WA(MD)No.893 of 2026

4. Mr.Govindan, learned counsel for the 1st respondent / writ petitioner would submit that the entire action on the part of the appellants is nothing but victimization. Though this Court directed for preparing the seniority list in the year 2022, such exercise has not been undertaken by the appellants. Hence, he submitted that the learned Single Judge is right in directing promotion of the writ petitioner.

5. We have perused the entire materials.

6. The charge memo was issued to the writ petitioner on 23.02.2024 and the disciplinary authority imposed the punishment of stoppage of increment for three months without cumulative effect. It is relevant to note that when the appeal was filed, the appellate authority has enhanced the punishment into stoppage of increment for a period of three years with cumulative effect. The very proceedings of the disciplinary authority and appellate authority, in our view, are nothing but a clear non application of mind and further to arrive the said conclusion, no enquiry whatsoever was conducted. The very charge itself is with regard to non issuance of tickets to the passengers.



WA(MD)No.893 of 2026

However, no one was examined in this regard. Without there being any evidence, imposing punishment of stoppage of increment for three months without cumulative effect by the disciplinary authority, cannot be sustained in the eye of law. On appeal, the appellate authority also without any basis, has enhanced the punishment into stoppage of increment for three years with cumulative effect which is also arbitrary and cannot be sustained in the eye of law. We agree with the finding of the learned Single Judge in quashing the punishment imposed by the disciplinary authority as well as the appellate authority. However, we respectfully disagree with the finding of the learned Single Judge directing promotion of the writ petitioner, for the simple reason that having quashed the punishment, the learned Judge ought to have remitted the matter to the disciplinary authority to conduct the enquiry afresh and to pass final order within a specific time limit. Without doing so, the learned Judge directed promotion which, in our view, is not proper. In such a view of the matter, we set aside the impugned order of the learned Single Judge only with regard to the direction to promote the 1st respondent. However, we confirm the order of the learned Single Judge with regard to quashing of punishment.



WA(MD)No.893 of 2026

WEB COPY

7. Accordingly, the matter is remitted to the appellants who shall conduct the enquiry afresh and conclude the disciplinary proceedings within a period of two months from the date of receipt of a copy of this judgment. It is made clear that though much emphasis has been made that the act of the appellants is a clear victimization, we are of the view that it is a matter of evidence. Without considering the evidence if any, at this stage, we cannot presume such things. We also make it clear that if there is no evidence on the charge levelled against the writ petitioner, then the appellants shall promote him as per law immediately thereafter.

8. With the above direction, the Writ Appeal is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

[N.S.K., J.] & [M.J.R., J.]
23.06.2026

bala

To

1. The Secretary to Government,
Transport Department,
Secretariat, Chennai - 9.

7/9



WA(MD)No.893 of 2026

2. The Commissioner,
Commissionerate for the Welfare of Differently Abled,
K.K.Nagar, Chennai -78

WEB COPY



WEB COPY



WA(MD)No.893 of 2026

N.SATHISH KUMAR, J.
AND
M.JOTHIRAMAN, J.

bala

JUDGMENT MADE IN
WA(MD)No.893 of 2026
DATED : 23.06.2026