



W.A.(MD)No.472 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.01.2026

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HONOURABLE MRS.JUSTICE R.KALAIMATHI

W.A(MD)No.472 of 2021

and

C.M.P(MD)No.2000 of 2021

1.The Managing Director,
Tamilnadu State Transport
Corporation (Kumbakonam) Limited,
TNSTC Head Office,
No.27, Railway Station New Road,
Kumbakonam.

2.The General Manager,
Tamilnadu State Transport
Corporation (Kumbakonam) Limited,
TNSTC Head Office,
No.27, Railway Station New Road,
Kumbakonam.

... Appellants /
Respondents

Vs.

M.Selvadurai

... Respondent /
Writ Petitioner

Prayer: Writ Appeal filed under Clause 15 of Letters Patent to set aside the impugned order passed in W.P(MD)No.3039 of 2020 dated 16.03.2020 passed by this Court and allow this Writ Appeal.



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For Appellants : Mr.P.M.Vishnuvarthanan
Standing Counsel

For Respondent : M/s.J.Madhu
for Mr.S.Muthukrishnan

JUDGMENT

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

The Management of Tamil Nadu State Transport Corporation Limited, Kumbakonam has filed this writ appeal questioning the order dated 16.03.2020 passed by the learned single Judge in W.P(MD)No. 3039 of 2020 filed by the respondent herein.

2.The respondent herein joined the appellant Management as Conductor in the year 1998. On 27.04.2018, while he was on duty, the respondent is said to have collected ticket fare to the tune of Rs.14/- from two passengers but did not issue tickets to them, thereby misappropriating a sum of Rs.14/-. The other charge is that in his cash bag excess amount was found to the tune of Rs.70/-. For these acts of misconduct, domestic enquiry was conducted and finally punishment of reduction by five stages was imposed. Challenging the same, W.P(MD)No.3039 of 2020 was filed. The learned single Judge noted



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that the punishment imposed on the writ petitioner is not contemplated in the standing orders. In this view of the matter, the punishment was modified to one of stoppage of increment for a period of 3 years with cumulative effect. Challenging the said order of the learned single Judge, this writ appeal has been filed.

3.The learned Standing Counsel appearing for the appellate corporation raised three contentions:

a) The writ petitioner had earned adverse notice on as many as 73 occasions. The details of misconduct committed by the writ petitioner on the earlier occasions have been spelt out in the counter affidavit filed by the Corporation.

b) The learned single Judge could not have modified the punishment but remanded the matter to the file of the authority for imposing appropriate punishment as contemplated in the Standing Orders.

c) The writ petitioner had straightaway invoked the writ jurisdiction without availing the appeal remedy.



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4.It is conceded that the punishment of reduction of basic pay by 5 stages is not set out in the Standing Orders. Thus, the imposition of such punishment is without jurisdiction. The question that calls for consideration is whether the learned single Judge could have modified the punishment without remanding the matter.

5.When a Labour Court under Section 11A of the Industrial Disputes Act, 1947 has the power to modify, we cannot deny such power to the writ Court exercising its jurisdiction under Section 226 of the Constitution of India or on the ground that it is not in accordance with law. We are therefore not able to fault the learned single Judge for having effected the modification.

6.We also notice that the punishment imposed by the writ Court would have bearing on his pension. The writ petitioner is due to retire next year. For these reasons, we are of the view that the matter need not be remanded, even though we find substance in the contention raised by the learned Standing Counsel for the appellant.



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7.This Writ Appeal stands dismissed. No costs. Consequently,

connected miscellaneous petition is closed.

[G.R.S., J.] [R.K.M, J.]
30.01.2026

NCC : Yes / No
Index : Yes / No
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