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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.02.2026

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THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.24364 of 2022

and

W.M.P(MD)Nos.18463 and 18464 of 2022

Govindaraj

...Petitioner

Vs

1. The Tamilnadu State Transport Corporation
(Kumabakonam) Ltd.,
Rep. by its Managing Director,
Kumbakonam,
Thanjavur District.

2. The General Manager,
The Tamilnadu State Transport Corporation
(Kumabakonam) Ltd., Karaikudi Region,
Maruthupathi, Karaikudi,
Sivagangai District.

3. The Deputy Manager,
The Tamilnadu State Transport Corporation
(Kumabakonam) Ltd., Karaikudi Region,
Maruthupathi, Karaikudi,
Sivagangai District.

4. The Assistant Manager,
The Tamilnadu State Transport Corporation
(Kumabakonam) Ltd., Karaikudi Region,
Maruthupathi, Karaikudi,
Sivagangai District.

... Respondents



PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order bearing No. Parvai TNSTC/TS/D3/19/18 dated 29.06.2019 and consequent impugned orders in No. Parvai TNSTC/Kumba/Karai/Nir/A1/332-1 dated 23.03.2020 and No. Parvai/TNSTC/Kumba/Karai/Nir/630 dated 20.07.2022 passed by the respondents 2 to 4 and set aside the same as illegal and consequently direct the Respondents forthwith to reimburse the amount recovered from the petitioner and other benefits in pursuance of the above impugned orders.

For Petitioner : M/s.K.C.Ramalingam
For Respondents : M/s.K.Ramaiah
Standing Counsel

ORDER

The present writ petition has been filed seeking to quash the order wherein a punishment of postponement of increment for period of 5 years with cumulative effect has been imposed.

2. The petitioner was working as a Driver of the respondent Transport Corporation. When he was duty on 21.07.2018, the fatal accident has taken place. He was placed under suspension and a charge memo was issued as against him on 01.08.2018. Based upon the explanation, an enquiry was ordered. The enquiry report was submitted on 07.03.2019. A second show cause



notice was issued to the writ petitioner on 13.05.2019. The writ petition has not submitted any explanation to the second show cause notice, the present impugned order came to be passed, imposing postponement of increment for a period of 5 years with cumulative effect and the consequential orders have been passed upon the writ petitioner for recovery of the non-implemented increment cut. These orders are under challenge in the present writ petition.

3. According to the learned Counsel appearing for the writ petitioner, the petitioner has settled a sum of Rs.3,00,000/- by entering into a private negotiation with the deceased family and therefore, there is no loss to the Transport Corporation. He further submits that there was no damage to the vehicle and in such circumstances, the imposition of punishment of increment cut for a period of 5 years with cumulative effect will have serious civil consequence affecting his pensionary benefits.

4. Per contra, the learned Standing Counsel appearing for the respondents submitted that this is not the first accident of the petitioner. The petitioner is in the habit of getting involved in this kind of accident. Only considering his past misconduct, the present order of punishment has been imposed upon him.



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5. In view of the submissions of the learned Standing Counsel appearing for the respondent Transport Corporation, the respondent Transport Corporation was directed to find out whether in the second show cause notice dated 13.05.2019, the past misconduct of the writ petitioner was referred to and explanation was called for by him. The learned Counsel after verification submitted that prior to 2020, such past misconducts are not referred to in the second show cause notice.

6. I have considered the submissions made on either side and perused the materials available on record.

7. Due to the fatal accident committed by the writ petitioner, the petitioner has entered into a private negotiation and settled the amount with the deceased family. The punishment has been imposed on the sole ground that the petitioner was involved in previous incidents. However, the second show cause notice does not refer to any previous misconduct. The order of imposition of punishment dated 29.06.2019 also does not refer to his past misconduct. In such circumstances, imposing such severe punishment upon by the petitioner would have serious consequences upon his pensionary benefits. Therefore, this Court



is of the considered opinion that the punishment is highly disproportionate to the proved charges.

8. In view of the above said facts, this Court is inclined to modify the punishment of postponement of increment for a period of 2 years without cumulative effect.

9. In view of the above said facts, the order impugned in the writ petition is hereby set aside and the respondents are directed to treat the punishment as imposition of postponement of increment for a period of 2 years without cumulative effect and the same shall not have any bearing upon the pensionary benefits of the writ petitioner. The terminal benefits shall be calculated on the basis of the above said order and shall be released within a period of 12(twelve) weeks from the date of receipt of a copy of this order.

10. In view of the above said facts, this writ petition stands partly allowed to the extent as stated above. No costs. Consequently, connected miscellaneous petitions are also closed.

23.02.2026

NCC : Yes/No
Index : Yes/No
Internet: Yes/No
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R.VIJAYAKUMAR, J.

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