



W.P(MD)No.8964 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.04.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.8964 of 2023

R.Subramanian

... Petitioner

Vs.

1.The Government of Tamil Nadu
Rep. By its Secretary to Government,
Transport Department,
Fort St.George,
Chennai-600 009.

2.The Managing Director,
Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
Kumbakonam,
Thanjavur District.

3.The General Manager,
Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
Kumbakonam Region,
Thanjavur District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Declaration, to declare the action of the respondents 2 & 3 which had recovered a sum of Rs.39,004/- towards non-implementable punishment imposed on the petitioner as illegal, arbitrary and violative of Article 14 of the Constitution of India and consequently, direct the



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respondents to refund the petitioner recovery amount of Rs.39,004/- along with 6% per annum within a stipulated time that may be fixed by this Court.

For Petitioner : Mr.N.Sudhagar Nagaraj

For Respondent : Mr.K.Balasubramani
Special Government Pleader for R1
: Mr.K.Jagadeesbalan
Standing Counsel for R2 & R3

ORDER

Heard the learned counsel on either side.

2. The petitioner retired from service on 31.08.2017. The impugned order came to be passed for enforcing unimplemented increment cut. It has been held time and again that such orders cannot be passed. My attention is drawn to the *order dated 15.06.2021 passed by the Hon'ble Division Bench in W.A.(MD)No.1270 of 2020 (State Express Transport Corporation (Tamil Nadu) Ltd., Vs. G.Senthil)*. The case on hand is squarely covered by the aforesaid decision. The impugned order is set aside. The respondent shall refund the withhold amount. If the respondent refunds the said amount within twelve weeks from the date of receipt of a copy of this order, it will not carry interest. If the respondent fails to make refund within twelve weeks, the respondent will have to pay interest from the date of the petitioner's retirement. The impugned order is set aside.



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3. The Writ Petition is allowed on these terms. No costs.

19.04.2023

Index : Yes / No

Internet : Yes/ No

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To

The Secretary to Government,
Transport Department,
Fort St.George,
Chennai-600 009.



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G.R.SWAMINATHAN, J.

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