



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.07.2016

WEB COPY

CORAM

THE HONOURABLE MR. JUSTICE T. RAJA

W.P(MD) .No.13481 of 2016
and
W.M.P. (MD) .No.10070 of 2016

R.Karmegam

... Petitioner

Vs

The General Manager,
Tamil Nadu State Transport Corporation,
Dindigul Region (Madurai Division),
Dindigul.

... Respondent

Writ Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Certiorarified Mandamus calling for the records relating to the impugned proceedings in Paarvai:MaNiPi/E5/109 dated 12.05.2016 passed by the respondent and quash the same and consequently direct the respondent to pay a sum of Rs.25,503/- deducted from the salary of December 2015, January 2016 and June 2016 to the petitioner.

For petitioner	: Mr.J.Ashok
For respondent	: Mr.A.Jeyaram
	Standing Counsel

ORDER

The petitioner herein has approached this Court for the second time, challenging the impugned order, passed by the respondent dated 12.05.2016 on the ground that the respondent once again failed to provide the break-up details sought for by him in respect of the alleged recovery demanded by them.

2. Learned counsel for the petitioner submitted that the respondent has not supplied the material documents relied on by them while passing the present impugned order, hence, the same is in violation of the principles of natural justice. According to him, when the respondent wants to deduct the excess amount paid by them, they cannot turn down the request made by the petitioner. In other words, <https://hscerules.courtsofmadras.org/> providing the break-up details or calculation memo to justify the demand of the respondent, the present impugned order cannot be legally sustained and therefore, it is liable to be quashed.



3. Heard Mr.A.Jeyaram, who takes notice for the respondent.

4. On a perusal of the affidavit filed in support of the Writ Petition, this Court hardly finds any merit to accept the request of the petitioner for two reasons. Firstly, when the petitioner was issued with a similar recovery order, dated 05.12.2015, he had filed W.P.(MD).No.1314 of 2016, on the ground that, without issuing notice to him, the order of recovery was passed by the respondent. This Court, by order, dated 21.01.2016, disposed of the said Writ Petition by remitting the matter back to the respondent for passing fresh order. Pursuant thereto, again, the petitioner was issued with a notice on 07.04.2016 granting seven days time to explain his case. On receipt of the same, although a reply was given by the petitioner on 22.04.2016, no explanation was put forth therein, as to, on what basis, the order of recovery passed by the respondent, is erroneous. A perusal of the explanation dated 22.04.2016 does not throw any light to reconsider or recall the recovery notice issued by the respondent. Even in the affidavit filed in support of the Writ Petition, the petitioner has not mentioned that the impugned order has been passed without providing the break-up particulars or calculation for arriving at the alleged excess amount of Rs.42,506.30. As a matter of fact, when the notice clearly mentions that a sum of Rs.42,506/- was paid in excess, it is for the petitioner to explain documents available with him like salary slip that no excess amount was paid to him. But, at no point of time, the petitioner came forward with any such explanation before the respondent. Therefore, this Court is not able to find any justification, on the part of the petitioner in coming back to this Court, with the same request.

5. In the result, this Writ Petition stands dismissed. Needless to mention that it is for the respondent to proceed further in accordance with law, if they desires to do so. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Records)

/True Copy/

Sub Assistant Registrar

To
The General Manager,
Tamil Nadu State Transport Corporation,
Dindigul Region (Madurai Division),
Dindigul.

+1CC to Mr.J.Asok, Advocate Sr.No.40847

GJM/SKS/RR/8.11.16-2p-3C

W.P(MD) .No.13481 of 2016