

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.03.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.7256 of 2017

S.Durai

.. Petitioner

-vs-

1. The Managing Director
Tamil Nadu State Transport Corporation
(Salem) Ltd.,
No.12, Ramakrishna Road
Salem 636 007
2. The General Manager
Tamil Nadu State Transport Corporation
(Salem) Ltd.,
No.12, Ramakrishna Road
Salem 636 007
3. The Branch Manager
Tamil Nadu State Transport Corporation
(Salem) Ltd.,
Mettur Depot
Mettur 636 401

... Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus, calling for the records from the second respondent's Notice No.387-6666-d6-tha.a.po.ka-2016 dated 03.01.2017 relating to recovery of Rs.1,09,388/- from petitioner's salary and quash the same and consequently direct the third respondent to grant the petitioner's salary without any recovery.

For Petitioner :: Mr.P.Saravanan

For Respondents :: Mr.P.Paramasivadoss

ORDER

This writ petition has been filed challenging the impugned proceedings dated 3.1.2017, in and by which a sum of Rs.1,09,388/- has been sought to be recovered in 20 equated monthly instalments from the salary of the petitioner, on the basis of the letter of settlement dated 1.9.2016. It is also

further stated that if the petitioner is aggrieved, he can prefer an appeal to the appellate authority within ninety days.

2. Heard the learned counsel for the petitioner.

3. It is an admitted case that the petitioner has filed an appeal within ninety days before the Managing Director-cum-Appellate Authority, Tamil Nadu State Transport Corporation (Salem) Limited, the first respondent herein on 16.3.2017. When the appeal is pending before the appellate authority, the impugned order of recovery cannot be given effect to, till the disposal of the appeal or any interim order is passed by the appellate authority. Therefore, the petitioner is permitted to approach the appellate authority by moving appropriate application within a period of one week from the date of receipt of a copy of this order and it is open to the appellate authority to consider either the interlocutory application or the appeal itself, in accordance with law. Till then, the impugned order of recovery shall not be given effect to. With this observation, the writ petition is dismissed. Consequently, W.M.P.No.7888 of 2017 is also dismissed. No costs.

Sd/-

Assistant Registrar

//True Copy//

ss

Sub Assistant Registrar

To

1. The Managing Director
Tamil Nadu State Transport Corporation
(Salem) Ltd.,
No.12, Ramakrishna Road
Salem 636 007

2. The General Manager
Tamil Nadu State Transport Corporation
(Salem) Ltd.,
No.12, Ramakrishna Road
Salem 636 007

3. The Branch Manager
Tamil Nadu State Transport Corporation
(Salem) Ltd.,
Mettur Depot
Mettur 636 401

+1cc to Mr.Saravanan, Advocate, S.R.No.18613

W.P.No.7256 of 2017

CP(CO)

RS(28/03/2017)