



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED :20.12.2017

CORAM:

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN
W.P(MD)No.16916 of 2014

and

M.P(MD)No.1 of 2014

Sankar Kumar

... Petitioner

Vs.

1.The Managing Director,
Tamilnadu State Transport Corporation
Kumbakonam.

2.The General Manager,
Tamilnadu State Transport Corporation
Thirumayam Salai,
Pudukkottai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, thereby forbearing the respondents from recovering any amount from the salary of the petitioner for the loss of tickets on 20.03.2014 and also further direct the second respondent to refund a sum of Rs.6,000/- recovered from the salary of the petitioner.

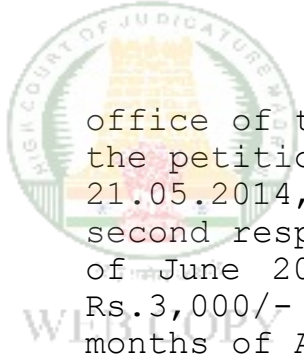
For Petitioner	: Mr.P.Ganapathi Subramanian
For Respondents	: Mr.D.Sivaraman Standing Counsel for TNSTC

ORDER

This writ petition has been filed, seeking to issue a Writ of Mandamus, forbearing the respondents from recovering any amount from the salary of the petitioner for the loss of tickets on 20.03.2014 and also further directing the second respondent to refund a sum of Rs.6,000/- recovered from the salary of the petitioner.

2.Heard Mr.P.Ganapathi Subramanian, learned counsel appearing for the petitioner and Mr.D.Sivaraman, learned Standing Counsel for TNSTC appearing for the respondents.

3.The case of the petitioner is that on 20.03.2014 when the bus was reaching TVS Toll Gate at about 5.00 a.m., colluded with the lorry. In the said accident, the conductor lost his bag, which contained ticket books and the same was informed to the second respondent. However, the second respondent insisted the petitioner to pay the charges towards the loss of ticket books and also the petitioner was not permitted to join duty. Hence, the petitioner made a representation on 02.04.2014 to the respondents and on receipt of the said representation, the second respondent passed an order directing the petitioner to pay a sum of Rs.77,180/- to the



office of the Pudukkottai Branch and without paying the said amount, the petitioner will not be permitted to join duty. Vide order dated 21.05.2014, made in M.P.No.1 of 2014 in W.P.(MD)No.8370 of 2014, the second respondent permitted the petitioner to join duty in the month of June 2014. However, the second respondent deducted a sum of Rs.3,000/- each from the salary account of the petitioner during the months of August 2014 and September 2014. Therefore, the petitioner is before this Court with this writ petition seeking to forbear the respondents from recovering any amount towards loss of tickets on 20.03.2014 and also to direct the second respondent to refund Rs.6,000/- recovered from his salary.

4.Today when the matter was taken up for consideration, the learned Standing counsel for TNSTC appearing for the respondents submitted that the Transport Corporation has not recovered a sum of Rs.77,180/- for loss of ticket books and but, only a sum of Rs.24/- alone was recovered as printing charges of the said ticket books. He further submitted that the petitioner has also joined duty and therefore, the writ petition has become infructuous.

5.Recording the aforesaid submissions, nothing survives for adjudication in the Writ Petition. Hence, the writ petition is dismissed as infructuous. However, on perusal of the typed set of papers produced by the petitioner, it is seen that a sum of Rs.24/- was recovered under the Head '018' for the month of April 2014. Similarly a sum of Rs.3,010/- and Rs.3,018/- were recovered under the same Head '018', during the months of August and September 2014. If the said amounts were recovered for loss of ticket books on 20.03.2014, then the respondents are directed to refund the same to the petitioner. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar

To

+1cc to M/S.D.Sivaraman, Advocate SR.No. 93927

ORDER MADE IN
W.P (MD) No.16916 of 2014
and
M.P (MD) No.1 of 2014
20.12.2017

sss/ps