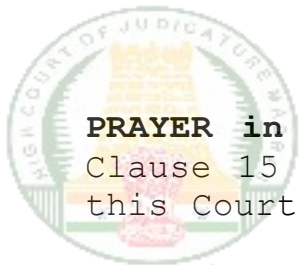


**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****Dated : 12.07.2017****CORAM:****THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN****AND****THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN****W.A. [MD] .Nos.886 & 887 of 2017****and****C.M.P. (MD) .Nos.5889 & 5890 of 2017**

1. Tamil Nadu State Transport Corporation (Kumbakonam) Limited,
Rep.by its Managing Director,
Kumbakonam,
Thanjavur District. ... 1st Appellant/
in both Writ Appeals
R1 in WP 19730/2016
R1 in WP 20370/2016
2. The General Manager,
Tamil Nadu State Transport Corporation (Kumbakonam) Limited,
Trichy Region,
Trichy District. ... 2nd Appellant /
in both Writ Appeals
R2 in WP 19730/2016
R2 in WP 20370/2016
3. The Assistant Manager (Personnel),
Tamil Nadu State Transport Corporation (Kumbakonam) Limited,
Trichy Region,
Trichy District. ... 3rd Appellant/
in W.A(MD).No.887 of 2017
R3 in WP 20370/2016
- Vs.
- 1.S.R.Vishwanathan ... 1st Respondent /
in W.A.(MD).No.886 of 2017
Petitioner in WP 19730/2016
- 2.K.Bhagavan ... 1st Respondent /
in W.A.(MD).No.887 of 2017
Petitioner in WP 20370/2016
3. The Administrator,
The Tamil Nadu State Transport Corporation Pension Fund Trust,
Thiruvalluvar House,
Pallavan Salai, Chennai - 600 002. ... Respondent No.2/
in both Writ Appeals
R3 in WP 19730/2016
R4 in WP 20370/2016



PRAYER in W.A.[MD].No.886 of 2017 : Writ Appeal is filed under Clause 15 of the Letters Patent, to set aside the order passed by this Court in WP(MD)No.19730 of 2016, dated 03.11.2016.

Prayer in WP(MD). 19730/ 2016 :

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Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Declaration declaring the action of the respondents in imposing recovery of Rs.28,494/- on him towards non-implemented punishment of increment cuts and recovering the said amount from his terminal benefits namely leave salary, as illegal, arbitrary and consequently direct the respondents to settle and pay him the said amount with interest at the rate of 18% per annum payable to the petitioner from his date of retirement to till the date of actual payment.

PRAYER in W.A.[MD].No.887 of 2017 : Writ Appeal is filed under Clause 15 of the Letters Patent, to set aside the order passed by this Court in WP(MD)No.20370 of 2016, dated 03.11.2016.

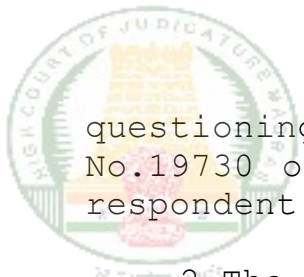
Prayer in WP(MD). 20370/ 2016 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order passed by the 3rd respondent dated 09.08.2016 in imposing recovery of Rs.1,60,409/- on petitioner towards uneffected punishment of increment cuts and adjusting my gratuity, bonus and refund of Institute of Road Transport contribution amount towards the above recovery amount, quash the same as illegal, arbitrary and consequently direct the respondents to settle and pay him all the terminal benefits payable to him including gratuity, monthly pension, bonus, commuted value of pension, refund of Medical, Engineering, Polytechnic colleges and Institute of Road Transport Contribution amounts and pay revision arrears in terms of 12(3) settlement dated 13.04.2015 without any recovery but with interest at the rat of 18% per annum payable to him from the date of retirement to till the date of actual payment.

For Appellants	: Mr.D.Sivaraman Standing Counsel for TNSTC in both Writ Appeals
For R 1	: Mr.A.Rahul in both Writ Appeals

COMMON JUDGMENT

<https://hcservices.ecourts.gov.in/hcservices/> Judgment of the Court was delivered by **G.R.SWAMINATHAN, J.]**
Tamil Nadu State Transport Corporation is on appeal



questioning the orders dated 03 November 2016 allowing W.P.(MD) No.19730 of 2016 and 20370 of 2016 filed by the respective first respondent herein.

2.The respective first respondent in both the writ appeals were working as Selection Grade Conductors in the appellant Corporation and they retired from service on 31 May 2011 and 30 April 2015 respectively. After their retirement, the General Manager, TNSCT Corporation, Trichy, served the impugned proceedings, whereby a sum of Rs.28,494/- and Rs.1,60,409/- were ordered to be recovered from the respective writ petitioners towards "non implemented punishment of increment cuts".

3.Aggrieved by the same, the respective first respondents herein filed W.P.(MD)No.19730 of 2016 and 20370 of 2016, seeking a declaration that the action of the Corporation in imposing recovery on them towards "non implemented punishment of increment cuts" and recovering the same from their terminal benefits was illegal. They sought a consequential direction for payment of said amount with interest. The learned Judge allowed the writ petitions as prayed for. Aggrieved by the same, these intra Court appeals have been preferred.

4.The learned counsel appearing for the Corporation could not dispute the factual position that in the standing orders applicable to employees / respective first respondents there is no provision to effect such recoveries. The learned single Judge following the order dated 24 February 2015, rendered by an earlier Division Bench in W.A.(MD)No.52 to 54 of 2015, held that permitting the Corporation to deduct the "non implemented punishment of increment cuts" cannot be considered as just or equitable. The case on hand is clearly covered by the aforesaid earlier Division Bench decision and the learned single Judge was right in the following same.

5.The learned counsel appearing for the appellant could not persuade us to take a different view from what was already taken in W.A.(MD). Nos.52 to 54 of 2015 dated 24 February 2015.

6. There are no merits in these writ appeals. These writ appeals stand dismissed. No costs. Consequently, connected miscellaneous petitions are also dismissed.

Sd/-

Assistant Registrar(AE)

/True Copy/

Sub Assistant Registrar



To

The Administrator,
Tamil Nadu State Transport Corporation Pension Fund Trust,
Thiruvalluvar House, Pallavan Salai,
Chennai - 600 002.

+1cc to Mr. D.Sivaraman, Advocate SR.No.64828
+1cc to Mr.A.Rahul, Advocate SR.No.64790

DAS/GSP/KM

VB/GT/SAR3/31.07.2017/4P/4C

W.A. [MD] .Nos.886 & 887 of 2017

12.07.2017