



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 21.02.2017

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P(MD)No.1444 of 2017

SP.Murugesan

... Petitioner

vs.

1)The Managing Director,
Tamilnadu State Transport Corporation (Kumbakonam) Ltd.,
Kumbakonam.

2)The General Manager,
Tamilnadu State Transport Corporation (Kumbakonam) Ltd.,
Pudukottai Region, Pudukottai. ... Respondents

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 2nd respondent to refund Rs.99,277/- to the petitioner along with 18% interest per annum and to treat the periods from 16.01.13 to 26.2.13 and also from 05.05.13 to 06.06.13 as his duty periods for all purpose and to pay wages for the same.

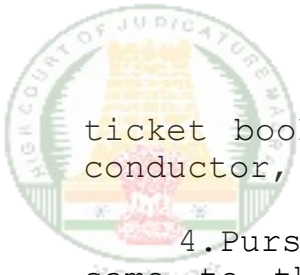
For Petitioner : Mr.S.Arunachalam
For Respondents : Mr.D.Sivaraman

ORDER

The prayer in this writ petition is for issuance of a Writ of Mandamus, directing the 2nd respondent to refund Rs.99,277/- to the petitioner along with 18% interest per annum and to treat the periods from 16.01.13 to 26.2.13 and also from 05.05.13 to 06.06.13 as his duty periods for all purpose and to pay wages for the same.

2.The petitioner joined the services as Conductor on 05.07.2007. As there was no specific provision to keep the unused tickets safely, he kept the same in his Bag and it was stolen. For the monetary loss of the value of the tickets, the 2nd respondent made deduction of Rs.5,000/- per month from July 2013 and upto the year 2015, totally Rs.99,277/- has been deducted. The petitioner made representations seeking refund of the amount deducted and the same were rejected. Hence, this writ petition.

3.In support of his contention, the learned counsel for the petitioner relied on a decision reported in 2008 (1) MLJ 224, Management of Rani Mangammal Transport Corporation Ltd., vs. M.Palanisamy, wherein it has been held that when the loss of bus



ticket books was not due to any negligence on the part of the bus conductor, no amount can be recovered from him.

4. Pursuant to the loss of tickets, the petitioner reported the same to the 2nd respondent and also filed a police complaint to K.K.Nagar, Trichy Police Station and the Police issued a receipt bearing No.1684012 dated 15.01.2013 for the same. Therefore, it is clear that there was no negligence on the part of the petitioner in respect of the loss of unused tickets. Hence, the above judgment is squarely applicable to the facts of this case.

5. Accordingly, the respondents are directed to return the amount already deducted from the wages of the petitioner from July 2013 to him forthwith. However, the respondents can collect the cost of printing of those unused tickets, from the petitioner.

With the above direction, this Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar

To

- 1) The Managing Director,
Tamilnadu State Transport Corporation (Kumbakonam) Ltd.,
Kumbakonam.
- 2) The General Manager,
Tamilnadu State Transport Corporation (Kumbakonam) Ltd.,
Pudukottai Region, Pudukottai.

+1cc to Mr.S.Arunachalam, Advocate Sr.No.9781

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AE/RR/BS/SAR1/06.03.2017/2P/4C

W.P(MD)No.1444 of 2017
21.02.2017