



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 21.02.2017

CORAM :

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

WEB COPY

W.P(MD)No.779 of 2017
and
W.M.P(MD)Nos.638 and 639 of 2017

S.Duraikannan

... Petitioner

vs.

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

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

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the orders in Ref.TNSTC/Kumba/Trichy/T6/6016/2015 dated 01.03.2016 of the 2nd respondent and in Ref.TNSTC/Kumba/Trichy/T6/6016/2015 dated 22.07.2016 of the 1st respondent, quash the same and consequently to direct the 2nd respondent to return the amount already deducted from the wages of the petitioner from the month of March 2016 to him with 18% interest per annum, award cost.

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

ORDER

The prayer in this writ petition is for issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the orders in Ref. TNSTC/Kumba/Trichy/T6/6016/2015 dated 01.03.2016 of the 2nd respondent and in Ref.TNSTC/Kumba/Trichy/T6/6016/2015 dated 22.07.2016 of the 1st respondent, quash the same and consequently to direct the 2nd respondent to return the amount already deducted from the wages of the petitioner from the month of March 2016 to him with 18% interest per annum, award cost.

2.The petitioner joined the services as Conductor on 29.04.2008. 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 1st respondent have initiated action and passed the impugned order



dated 01.03.2016 that the amount of Rs.70,886.50/- which is assessed towards the value of unused tickets, would be recovered in ten installments that is the subject matter of 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 Branch Manager and also filed a police complaint dated 26.12.2014 to Pallapatti Police Station and the Police issued a receipt bearing No.341/2014 dated 26.12.2014 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, this Writ Petition is allowed and the impugned orders in respect of recovery of Rs.70,886.50/- from the petitioner towards the value of unused tickets, alone is set aside and the respondents are directed to return the amount already deducted from the wages of the petitioner from March 2016 forthwith. However, the respondents can collect the cost of printing of those unused tickets, from the petitioner. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar()

/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.,
Trichy Region, Trichy.

+1cc to Mr.S.Arunachalam, Advocate Sr.No.9782

nbi

AE/CM MSA/07.03/2017/2P/4C