



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 21.02.2017

CORAM :

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P(MD)No.794 of 2017

and

W.M.P (MD)No.644 of 2017

V.Varadharajan

... Petitioner

vs.

Tamilnadu State Transport
Corporation (Madurai) Ltd.,
Rep. by its General Manager,
Madurai Region,
Bye Pass Road,
Madurai.

... Respondent

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records pertaining to the order dated 22.12.2016 in பார்வை: ஒநது/D7/4.கு/F//3111 passed by the respondent, quash the same, award costs.

For Petitioner : Mr.G.M.Xavier

For Respondent : Mr.A.Jeyaram

ORDER

The prayer in this writ petition is for issuance of a Writ of Certiorari, calling for the records pertaining to the order dated 22.12.2016 in பார்வை: ஒநது/D7/4.கு/3111 passed by the respondent, and quash the same.

2.The petitioner joined the services as Conductor on 21.09.2009 in the respondent corporation and he was promoted as Senior Grade Conductor. 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 respondent have initiated action and passed the impugned order that the amount of Rs.61,923/- which is assessed towards the value of unused tickets, would be recovered in twelve 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 12.10.2016 to Anna Nagar Police Station and the Police issued a certificate stating that the unused tickets could not be traced out.



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 order dated 22.12.2016 in respect of recovery of Rs.61,923/- from the petitioner towards the value of unused tickets, alone is set aside. However, the respondent can collect the cost of printing of those unused tickets, from the petitioner. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(AE)

/True Copy/

Sub Assistant Registrar

To
The General Manager,
Tamilnadu State Transport Corporation (Madurai) Ltd.,
Madurai Region, Bye Pass Road, Madurai.
+1cc to M/s.G.M.XAVIER Advocate in SR. No.9387

NBI
JS/RSK/SAR.1/06.03.2017/2P-3C

W.P(MD) No.794 of 2017
21.02.2017