



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 11.01.2017

CORAM :

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P (MD) No.24550 of 2016

and

WMP (MD) No.17701 of 2016

K.Palpandiyan

... Petitioner

vs.

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

... Respondent

Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorari, calling for the records pertaining to the order dated 26.11.2016 in Parvai.LD7C-1/0525 passed by the respondent, quash the same, award costs.

For Petitioner : Mr.G.M.Xavier

For Respondent : Mr.A.P.Muthupandian

ORDER

The prayer in this writ petition is for issuance of a Writ of Certiorari, calling for the records pertaining to the order dated 26.11.2016 in Parvai.LD7C-1/0525, passed by the respondent and quash the same.

2.The petitioner joined the services as Conductor on 11.09.2012 and he was made permanent in 2015. 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.30,996/- which is assessed towards the cost of unused tickets, would be recovered in ten installments that is the subject matter of the writ petition.

3.In support of his contention, 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.

<https://hcservices.ecourts.gov.in/hcservices/>

4.Pursuant to the loss of tickets, the petitioner reported the



same to the Branch Manager and also filed a police complaint dated 07.05.2016 to the Varasanadu 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 26.11.2016 in respect of recovery of Rs.30,996/- towards the cost of unused tickets from the petitioner 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(CS I)

/TRUE COPY/

Sub Assistant Registrar

To

The General Manager,
Tamilnadu State Transport
Corporation (Madurai) Ltd.,
Dindigul Region,
Bye Pass Road,
Dindigul.

+1 cc to MR.G.M.Xavier, ADVOCATE, SR NO:2244

nbi

AAM SV MMS 2P 3C 06.02.2017

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