

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.02.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.2491 of 2018

P.Nagooran

.. Petitioner

-vs-

Tamil Nadu State Transport Corporation
(Villupuram) Ltd.,
represented by its General Manager
Thiruvallur Zone, J.N.Road
Ponneri 602 001

.. Respondent

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorari, calling for the records pertaining to the order dated 27.10.2017 in Paarvai Cr.No.50/7712/L21/TNSTC/Thiru.R/16 passed by the respondent and quash the same.

For Petitioner :: Mr.S.Gurumoorthy

For Respondent :: Mr.A.Antony Arockia Raja

ORDER

The petitioner has come to this Court challenging the impugned proceedings dated 27.10.2017 issued by the General Manager of Tamil Nadu State Transport Corporation (Villupuram) Limited, Tiruvallur Zone, the respondent herein seeking to recover a sum of Rs.79,728/- from his monthly salary in twelve equated monthly instalments at the rate of Rs.6644/-.

2. Learned counsel for the petitioner submitted that since the petitioner lost his bag along with the unsold tickets worth about Rs.79,728/-, he was issued with a show cause notice dated 19.5.2017 calling for his explanation. On receipt of the said notice, the petitioner gave his explanation on 23.5.2017 stating that while he was serving as a Conductor in the route No.200P-B at Ponneri depot with an unblemished record of service of nine years, on 30.1.2017, when he was discharging his duty in the bus bearing registration No.TN 21-N-1768 from Tirupati to Koyambedu, at about 19.00 hours, the petitioner got down from the bus in

the Koyambedu bus stand and also helped the driver for parking the bus in the allotted bay. Thereafter, around 20.15 hours, when he went to take back his bag, as he had kept the unsold tickets of different fares on the dash board, he found the bag missing. Immediately he gave a written complaint to the Inspector of Police (Crime), K-11 Koyambedu Police Station, which was also acknowledged as C.S.R.No.177 of 2017 and an untraceable certificate dated 8.2.2017 was also issued by the K-11 Koyambedu Police Station. This was also brought to the notice of the respondent in his explanation dated 23.5.2017. But the respondent, rejecting his explanation, proceeded to appoint an enquiry officer. Even in the enquiry, it was brought to the notice of the enquiry officer that there has been a settlement entered into between the respondent and the union stating that if any cash bag used by the Conductor is found lost and consequently any criminal complaint is filed, accepting the bona fide of the complaint, the Conductor shall not be proceeded departmentally for recovery of the amount. Since there is a settlement reached between the union in which the petitioner is a member and the respondent, the impugned order dated 27.10.2017 seeking to recover a sum of Rs.79,728/- from his monthly salary in twelve equated monthly instalments at the rate of Rs.6644/-, is wholly unacceptable, he pleaded.

3. This Court is not able to find any merit in the said contentions. The reason is that when the petitioner was entrusted with the bag and also the tickets, merely for the reason that he had lost the bag along with the unused tickets worth about Rs.79,728/-, and subsequently, on the basis of his complaint, the K-11 Koyambedu Police Station has also issued an untraceable certificate, is not going to absolve the petitioner from his liability. When the petitioner was so careless, as he had kept the cash bag on the dash board instead of in his possession safely, which was subsequently lost, he alone shall be held responsible and this has been rightly considered by both the enquiry officer and the disciplinary authority. Therefore, this Court is not inclined to interfere with the impugned order. Accordingly, the writ petition fails and it is dismissed. Consequently, W.M.P.No.3044 of 2018 is also dismissed. No costs.

Sd/-

Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

SS

To

1. The General Manager
Tamil Nadu State Transport Corporation
(Villupuram) Ltd.,
Thiruvallur Zone, J.N.Road
Ponneri 602 001 .

+2cc to Mr.S.Gurumoorthy, Advocate, S.R.No.9140

W.P.No.2491 of 2018

RRK(23/02/2018)



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