

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 20.08.2018

CORAM :

THE HONOURABLE MR.JUSTICE SUBRAMONIUM PRASAD

W.P.No. 25866 of 2009

N.Ganesan

... Petitioner

vs.

1. Tamil Nadu State Transport Corporation (Kovai) Ltd,
Erode Region,
Erode.
represented
by its General Manager.

2. The Branch Manager,
Tamil Nadu State Transport Corporation (Kovai) Ltd.,
Erode Region,
Tiruppur Branch,
Tiruppur District.

3. The Assistant Manager,
Recovery Auditing Section,
Regional Office,
Erode Branch,
Erode.

... Respondents

(R3 impleaded as per order of this Court dated 04/01/2010 made in MP.1 of 2009 in WP.25866 of 2009)

Prayer : Writ Petition is filed under Article 226 of the Constitution of India, for issuance of a writ of Certiorarified Mandamus, calling for the records of the 3rd respondent in TNSTC form no.S.52071, Erode branch Pa.No.206/Va.tha.pale(Ma) 109 dated 17.03.2009 and quash the same and consequently direct the respondents to refund the deducted salary at Rs.1500/- p.m from March 2009 onwards to the petitioner. (Prayer amended as per order dated 04.01.2010 in M.P.No.2/2009 in W.P.No.25866/09).

For Petitioner : No appearance

For Respondents: Mr.T.Chandrasekaran,

O R D E R

The instant writ petition is to issue a writ of Certiorarified Mandamus, for quashing the order passed by the 3rd respondent diverting the recovery of a sum of Rs.83,465/- by deducting Rs.1500/- p.m from the salary of the petitioner and further direct the respondents to refund the deducted salary at Rs.1500/- per month from March 2009 onwards to the petitioner.

2. The facts and brief of the writ petition is reads as under:-

a) The petitioner joined as a conductor on 05.09.2006 with the Tamil Nadu State Transport Corporation (Kovai) Ltd, Erode region. He was assigned a duty of conductor on 15.02.2009 in a bus bearing registration number TN 33 N 2395 plying between Tiruppur to Cuddalore. He was provided with a Electronic Ticketing Machine (ETM).

b) The petitioner had also been given with paper tickets which is usually provided to conductors for emergency use. The same was kept in his personal bag. On 16.09.2009, the bus reached Tiruppur old bus stand on 5 PM. The petitioner went to attend the call of nature and on his return, he found the bag which contained unused tickets missing.

c) The petitioner lodged a complaint at Tiruppur South (crime) Police station.

d) The respondents passed an order directing recovery of the sum of Rs.83,465/- being the estimated value of tickets which had been stolen. The amount was to be recovered by deducting a sum of Rs.1,500/- from his monthly salary for the period of 56 months. The instant writ petition is challenging the recovery order.

3. Even though, the counsel for the appellant is not present, the proceedings it is admitted that the order of recovery has passed without conducting a proper inquiry. The order of recovery without a proper inquiry cannot be sustained. Hence, the order of recovery for the sum of Rs.83,465/- by deducting 1,500/- per month for 56 months is set aside.

4. However, the respondents are at liberty to initiate fresh departmental proceeding against the petitioner in accordance with law if so advised. The writ petition is allowed. There shall be no order to costs.

Sd/-

Assistant Registrar (CS-IX)

//True Copy//

Sub Assistant Registrar

pkn

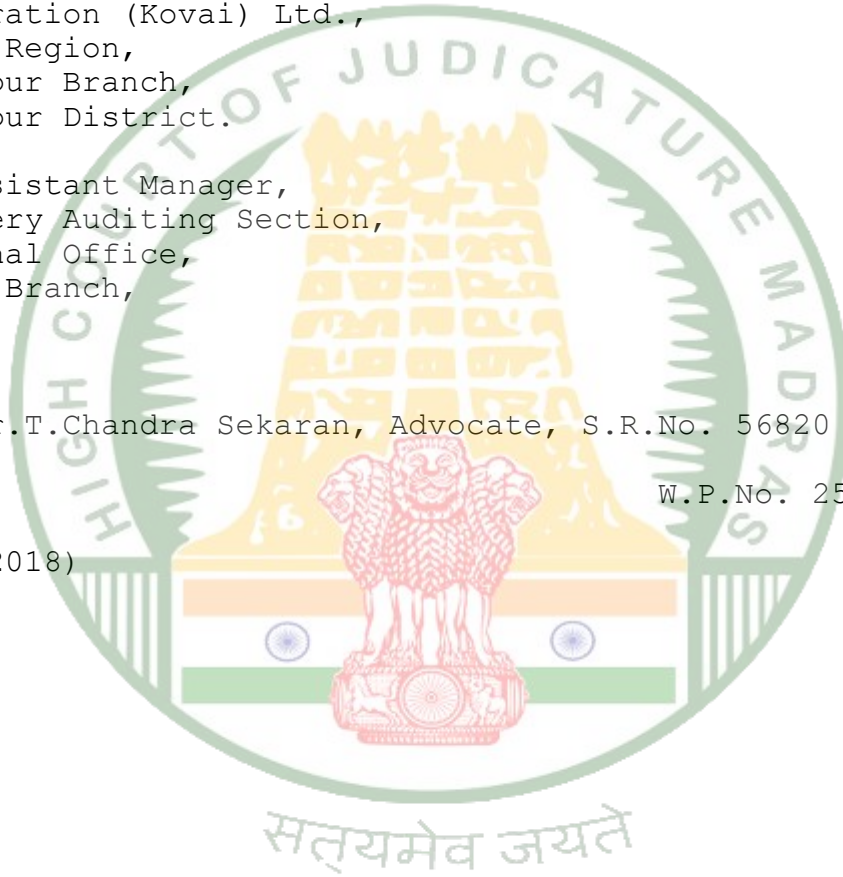
To

1. Tamil Nadu State Transport Corporation (Kovai) Ltd,
Erode Region,
Erode.
represented
by its General Manager.
2. The Branch Manager,
Tamil Nadu State Transport Corporation (Kovai) Ltd.,
Erode Region,
Tiruppur Branch,
Tiruppur District.
3. The Assistant Manager,
Recovery Auditing Section,
Regional Office,
Erode Branch,
Erode.

+1cc to Mr.T.Chandra Sekaran, Advocate, S.R.No. 56820

W.P.No. 25866 of 2009

EV(CO)
GN(10/09/2018)



WEB COPY