

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 23.10.2018
CORAM :

THE HONOURABLE MR. JUSTICE SATRUGHANA PUJAHARI

W.P. No.27706 of 2018
and
WMP.No.32222 of 2018

A.Shanmugasundaram

..Petitioner

Vs.

1. Tamil Nadu State Transport Corporation (Salem)
Ltd.
Represented by its Managing Director
No.12, Ramakrishna Road,
Salem-636007.

2. The General Manager
Tamil Nadu State Transport Corporation (Salem)
Ltd.
No.12, Ramakrishna Road
Salem-636007.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus to call for the records relating to the order of recovery bearing No.225-21114-T4A-TNSTC-2017, dated 02.08.2018 passed by the second respondent and quash the same and direct the respondents to recover only the printing charge of the loss of ticket books that occurred on account of theft of the petitioner's bag on 01.10.2017, from the wages of the petitioner.

For Petitioner : Ms.Ramapriya Gopalakrishnan

O R D E R

This Writ Petition has been filed, seeking the relief to quash the order of recovery passed by the second respondent against the petitioner on 02.08.2018 from the wages of the petitioner and also for a direction to the respondents to recover only the printing charge towards the loss of ticket books that occurred on account of theft of the petitioner's bag on 01.10.2017.

2. The grievance of the petitioner in this Writ Petition is that while he was working as a conductor in the

respondent transport Corporation, on 01.10.2017, his bag containing ticket leaves of various denominations, original invoices, spare invoices were stolen, on account of which, disciplinary proceeding was initiated against him and a punishment of recovery was imposed on him vide order of the second respondent dated 02.08.2018. Against the said order, the petitioner has filed an appeal before the first respondent on 04.09.2018. Pending disposal of the said appeal, recovery was made from the wages of the petitioner for the months of August and September. Hence, the petitioner has come forward with this Writ Petition seeking for the aforesaid relief.

3. Heard the learned counsel for the petitioner.

4. Considering the facts and situation of the case and also considering the submissions made, especially the fact that appeal is pending before the first respondent, this Court is not inclined to consider the writ petition on merits, inasmuch as the petitioner cannot be allowed to knock at the door of two forums available to him for redressal of the grievance and the other forum to which the petitioner has approached, I am told a statutory appellate forum. In such premises, this Court dispose of the Writ petition at the stage of admission itself, without issuing notice to the respondents, with a direction to the appellate authority i.e, the first respondent to dispose of the appeal filed by the petitioner on 04.09.2018, on merits in the light of the order passed by this Court in W.P.No.30955 of 2012 (S.Chinnasamy Vs. The Managing Director and another), within a period of three weeks from the date of receipt of a copy of this order, if there is no other legal impediment. However, it is open to the petitioner to approach the appellate authority seeking to stay the order of recovery, pending disposal of the appeal. If such approach is made, the appellate authority shall pass necessary orders of the same, before disposal of the appeal.

5. This Writ Petition is disposed of with the above directions. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS viii)

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Sub Assistant Registrar

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To

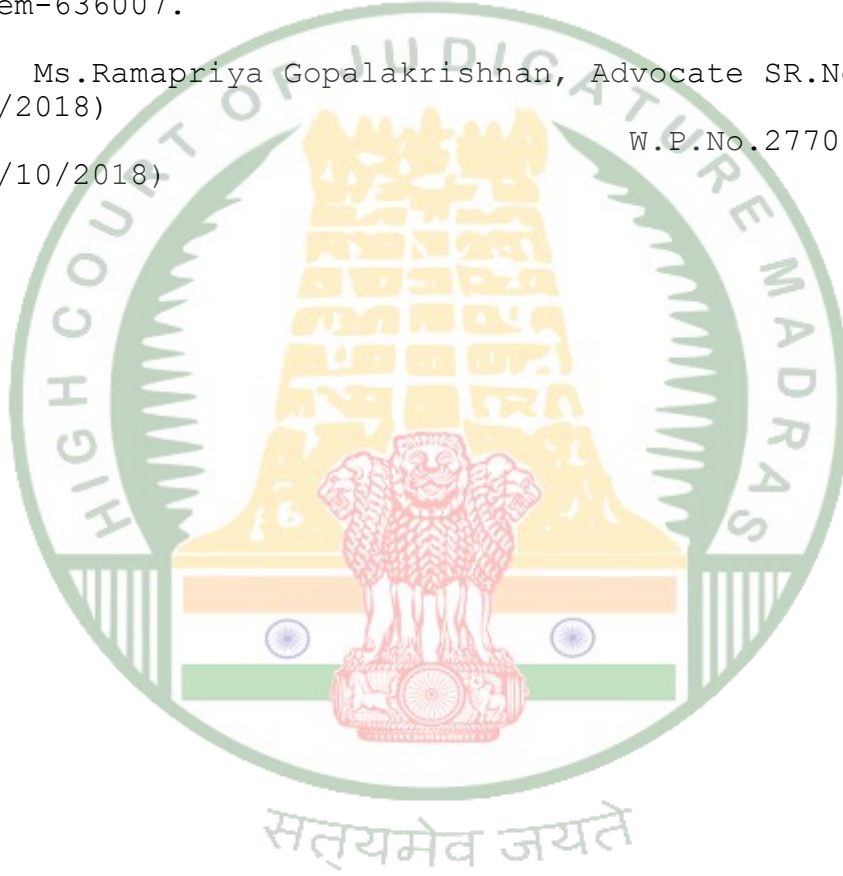
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+1cc to Ms.Ramapriya Gopalakrishnan, Advocate SR.No. 75418
(01/11//2018)

W.P.No.27706 of 2018

ASK(25/10/2018)



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