



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.02.2018

CORAM :

WEB COPY

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.P. (MD) No. 2498 of 2018

A. Ganesan

... Petitioner

Vs.

1. The General Manager,
State Transport Corporation
(Tirunelveli) Ltd,
Tirunelveli - 11.
2. State Transport Corporation
(Tirunelveli) Ltd,
Tirunelveli-11,
Rep. by its Managing Director.
3. State Transport Corporation
Employees Pension Fund Trust,
Thiruvalluvar Illam, Pallavan Salai,
Chennai-2.

... Respondents

Prayer: Writ petition is filed under Article 226 of Constitution of India, to issue a Writ of Mandamus to direct the respondents to regularize the period of suspension of the petitioner as period on duty with all monetary and service benefits and to refund the sum of Rs.43,200/- recovered from the service gratuity towards punishment unaffected period and consequently to pay the full pay and allowance, which the petitioner would have been entitled to if he had not been suspended and to revise his monthly pension by revising his scale of pay and the qualifying service.

For petitioner	: Mr.V.Kannan
For Respondents	: Mr.K.Sathiyasingh

ORDER

The petitioner is a retired employee of the respondent transport corporation. He was visited with the penalty of stoppage of increment with cumulative effect for three years. The petitioner set aside on 31.03.2013. The respondents have chosen to enforce the un-implemented punishment by recovering the sum of Rs.43,200/- from the retiral benefits payable

to the petitioner.

2.The issue on hand is covered by an earlier Division Bench decision of this Court made in W.A.(MD).Nos.886 and 887 of 2017 dated 12.07.2017. Following the said Judgment of the Hon'ble Division Bench, this writ petition has to be necessarily allowed. Therefore, the respondents are directed to refund the sum of Rs.43,200/- within a period of eight weeks from today.

3.The writ petition is allowed. No costs.

Sd/-
Assistant Registrar (AS)

/True Copy/

Sub Assistant Registrar

To

1. The General Manager,
State Transport Corporation
(Tirunelveli) Ltd,
Tirunelveli - 11.
2. The Managing Director,
State Transport Corporation
(Tirunelveli) Ltd,
Tirunelveli-11
3. The State Transport Corporation
Employees Pension Fund Trust,
Thiruvalluvar Illam, Pallavan Salai,
Chennai-2.

+ 1 CC TO Mr.V.KANNAN, ADVOCATE IN SR No. 48708
+ 1 CC TO Mr.K.SATHIYA SINGH, ADVOCATE IN SR No. 49164

SKM

TE/SKN-RSK/SAR-1 : 26/03/2018 : 2P/6C

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