



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.02.2018

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD).No.3520 of 2018

and

W.M.P.(MD).Nos.3652 & 3653 of 2018

S.Muruganantham,
S/o.A.Sadayapillai,
Selection Grade Conductor (Retired),
Staff No.7270,
Tamil Nadu State Transport
Corporation (Kumbakonam) Ltd.,
Karur Region.

...Petitioner

Vs.

1.The Management of
Tamil Nadu State Transport
Corporation (Kumbakonam) Ltd.,
Represented by its Managing Director,
Kumbakonam.

2.The General Manager,
Tamil Nadu State Transport
Corporation (Kumbakonam) Ltd.,
Karur Region,
Karur.

3.The Assistant Manager,
Tamil Nadu State Transport
Corporation (Kumbakonam) Ltd.,
Karur Region,
Karur.

4.The Administrator,
Tamil Nadu State Transport
Corporation Pension Fund Trust,
Thiruvalluvar Illam,
Pallavan Salai,
Chennai - 600 002.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned Order passed by the 2nd respondent in Ref:TNSTC/Kumba/Trichy/Ne.Va/C2/320/2017 dated 19/04/2017 and impugned settlement of accounts dated 02/06/2017 issued by the 3rd respondent, quash the same in so far as imposing recovery under the head of "NON-IMPLEMENTED INCREMENT CUTS" to the tune of Rs.42,874/- on the petitioner as illegal and without jurisdiction and consequently



direct the respondents to pay the recovery amount of Rs.42,874/- with interest at the rate of 18% per annum payable from 30/04/2017 to till the date on which the above amount is settled to the petitioner.

For Petitioner : Mr.A.Rahul
For Respondents : Mr.D.Sivaraman

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ORDER

Heard Mr.D.Sivaraman, learned Standing Counsel, takes notice on behalf of the respondents.

By consent of both the parties, the main Writ Petition itself is taken up for final disposal at the stage of admission itself.

2.Heard the learned counsel appearing for the petitioner and the learned Standing counsel appearing for the respondents.

3.The petitioner is a retired employee of the respondent/Corporation. For an act of misconduct committed by him, he was visited with an order of punishment dated 23.11.2016. The petitioner was ordered to be de-promoted by two stages for two years with cumulative effect. As a consequence, by order dated 19.04.2017, a sum of Rs.42,874/- was ordered to be recovered under the head of "Non Implemented Increment Cuts". The petitioner reached the age of superannuation on 30.04.2017.

4.This Court has in more than one decision held that such "Non Implemented Increment Cuts" cannot be recovered from the retiral benefits.

5.The learned counsel appearing for the petitioner would point out that the said decision was confirmed by the Hon'ble Division Bench and that the Hon'ble Supreme Court declined to interfere.

6.In these circumstances, the order impugned in the Writ Petition stands quashed and the respondents are directed to refund the recovered amount of Rs.42,874/- to the petitioner within a period of eight weeks from the date of receipt of a copy of this order.

7.The Writ petition is allowed accordingly. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS-I)

/True copy/

Sub Assistant Registrar

To

+1cc to Mr.A.Rahul, Advocate, SR.No.50084.
+1cc to Mr.D.Sivaraman, Advocate, SR.No.50048.

W.P. (MD) .No.3520 of 2018
21.02.2018