

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****Dated : 08.03.2018****CORAM :****THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN****W.P(MD)No.4930 of 2018**

R.Raji

... Petitioner

Vs.

1. The Managing Director,
Tamil Nadu State Transport
Corporation,
(Thirunelveli) Ltd,
Nagercoil Region, Nagercoil.

2. The General Manager,
Tamil Nadu State Transport
Corporation, (Thirunelveli) Ltd,
Nagercoil Region, Nagercoil.

... Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the second respondent by proceedings in Kaditha En.300/SaPaPi 10/ThaAPoKa (Thili)/Nager/2014, dt.26.04.2014 for recovery of amount Rs.1,32,924/- from the petitioner towards non-implemented punishment of increment cut imposed on the petitioner as illegal, arbitrary and violate of Article 14 of the Constitution of India and consequently direct the respondents to repay the recovered amount of Rs.1,32,924/- and leave salary Rs.13,000/- and all other benefits with interest of 18% per annum.

For Petitioner : Mr.A.Mu.Sharavanan

For Respondents : Mr.K.Sathiyasingh

ORDER

Mr.K.Sathiyasingh, the learned standing counsel takes notice for the respondents.

2.By consent of both parties, the writ petition is taken up for final disposal at the admission stage itself.



3.The petitioner was working as a Driver in the respondent transport corporation. The petitioner retired from service on 31.05.2014. He served with the impugned proceedings dated 26.04.2014 whereby a sum of Rs.1,32,924/- was ordered to be recovered from the petitioner towards non-implemented punishment of increment cut. Aggrieved by the same, this writ petition has been filed.

4.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. This Court is inclined to follow the said decision. The Hon'ble Division Bench has held that it is not open to the respondents to impose recovery under the head of non implemented increment cuts. In this case, the respondents have withheld a sum of Rs.1,32,924/- and leave salary of Rs.13,000/- payable to the petitioner. Since the issue on hand is already covered, this Court has no hesitation to grant the relief sought for in this Writ Petition. The respondents are directed to disburse the same within eight weeks from the date of receipt of a copy of this order to the petitioner.

5.The Writ Petition is allowed. No costs.

Sd/-
Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

+ 1 cc TO Mr.A.Mu.Sharavanan , Advocate in SR No. 53758
+ 1 cc TO Mr.K.Sathiyasingh , Advocate in SR No. 54018

SKM
AE/SKN RSK/SAR3/12.03.2018/2P/3C

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