



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.03.2018

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) .No.5394 of 2018

and

W.M.P (MD) No.5332 of 2018

V.Savithiri

... Petitioner

Vs.

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

2.The General Manager,
Tamil Nadu State Transport
Corporation (Kumabakonam) Ltd.,
Karaikudi Region,
Karaikudi.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Declaration, declaring the action of the respondents in imposing recover under the head of "NON-IMPLEMENTED INCREMENT CUTS" to the tune of Rs.80,320/- on the petitioner's husband's terminal benefits as illegal and without jurisdiction and consequently direct the respondents to pay the recovery amount of Rs.80,320/- with interest at the rate of 18% per annum payable from 30.06.2014 to till the date on which the above amount is settled to her.

For Petitioner :Mr.A.Rahul

For Respondents :Mr.D.Sivaraman

ORDER

The petitioner's husband was employed in the respondent corporation. A sum of Rs.80,320/- was recovered form his salary under the head of "NON-IMPLEMENTED INCREMENT CUTS".

2.The Hon'ble Division Bench has held that such recovery is impermissible in law. Therefore, the respondents acted without jurisdiction by effecting the said recovery. Therefore, the respondents are directed to pay the recovered amount of Rs.80,320/- to the writ petitioner within a period of eight weeks form the date



of receipt of a copy of this order. The writ petition is allowed accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(AS)

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Sub Assistant Registrar

+1CC to Mr.A.Rahul, Advocate, SR.No. 55074

+1CC to Mr.D.Sivaraman, Advocate, SR.No. 55518

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AM/SKN RSK/SAR 4/16.03.2018/2P/3C