



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.03.2018

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) .No.5531 of 2018

S.Santhiagu

...Petitioner

Vs.

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

2.The General Manager,
The Tamil Nadu State Transport
Corporation (Kumbakonam) Limited,
Trichy Region, Trichy.

3.The Assistant Manager (Personnel),
The Tamil Nadu State Transport
Corporation (Kumbakonam) Limited,
Trichy Region, Trichy.

4.The Administrator,
Tamil Nadu State Transport
Corporation Pension Fund Trust,
Thiruvalluvar House,
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 second respondent in Ref.No.TNSTC/KUMBA/TRICHY/E2/283/2017 dated 07.03.2017 in imposing recovery of Rs.74,194/- on the petitioner towards "non-implemented increment cuts", quash the same as illegal, arbitrary and consequently direct the respondents to pay him Rs.74,194/- with interest at the rate of 18% per annum payable to him from his date of retirement to till the date of actual payment.

For Petitioner : Mr.A.Rahul

For Respondents : Mr.D.Sivaraman

ORDER

Heard Mr.A.Rahul, learned counsel appearing for the petitioner and Mr.D.Sivaraman, learned standing counsel takes notice for the respondents.



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

3.The petitioner is a retired employee of the first respondent/ Transport Corporation. A sum of Rs.69,473/- was recovered from his terminal benefits under the guise of enforcing "non implemented increment cuts".

4.The Hon'ble Division Bench has held that such a recovery is impermissible in law.

5.Therefore, the respondents are directed to pay the said amount of Rs.69,473/- to the petitioner within a period of eight weeks from the date of receipt of a copy of this order. It is made clear that if the said amount is not disbursed within the said period of eight weeks, it would carry interest at the rate of 6% per annum.

6.The Writ Petition is allowed accordingly. No costs.

Sd/-

Assistant Registrar(Crl.Side)

/True Copy/

Sub Assistant Registrar

To

1.The Managing Director, Tamil Nadu State Transport,
Corporation (Kumbakonam) Limited, Kumbakonam.

2.The General Manager,
The Tamil Nadu State Transport
Corporation (Kumbakonam) Limited,
Trichy Region, Trichy.

3.The Assistant Manager (Personnel),
The Tamil Nadu State Transport
Corporation (Kumbakonam) Limited,
Trichy Region, Trichy.

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

+1CC to Mr.A.Rahul, Advocate, SR.No. 55768

+1CC to Mr.D.Sivaraman, Advocate, SR.No. 55522

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