



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.03.2018

CORAM:

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.P (MD) No.5678 of 2018

WEB COPY

P.Raju

... Petitioner

Vs.

1.The Government of Tamil Nadu,
Rep.by its Secretary to Government,
Transport Department, Secretariat,
Chennai - 600 009.

2.The Managing Director,
Tamil Nadu State Transport Corporation
(Kumbakonam) Ltd,
No.27, Railway Station Road,
Kumbakonam, Thanjavur District.

3.The General Manager,
Tamil Nadu State Transport Corporation
(Kumbakonam) Ltd,
Trichy Region, Periyamilaguparai,
Trichy.

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

... Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Declaration declaring the action of 2nd and 3rd respondents which having been recovered Rs.4,88,707/- towards non-implementable punishment of increment cut imposed on the petitioner, as illegal, arbitrary and violative of Article 14 of the Constitution of India and consequently direct the respondents to refund the said recovered amount to the petitioner together with reasonable rate of interest payable to the petitioner with effect from 31.05.2015 and also direct the respondents corporation to grant the payment of monthly family pension and all retiral benefits payable to the petitioner with reasonable rate of interest.

For petitioner : Mr.N.Sudhagar Nagaraj

For respondents : Mr.M.Jeyakumar,

Additional Government Pleader
for R1

Mr.D.Sivaraman for R2 to R4

ORDER

Mr.M.Jeyakumar, learned Additional Government Pleader takes notice for the first respondent and Mr.D.Sivaraman, learned counsel takes notice for the respondents 2 to 4. By consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.

2.The petitioner is a retired employee of the respondent corporation. A sum of Rs.4,88,707/- was recovered from his retiral benefits towards non implementable punishment of increment cut. The Hon'ble Division of this Court has held in more than one case, such a recovery is impermissible in law.

3.Therefore, the respondents 2 and 3 are directed to disburse the sum of Rs.4,88,707/- to the petitioner within a period of eight weeks from the date of receipt of a copy of this order. The petitioner herein has sought for few other reliefs also. It is open to the petitioner to file a separate writ petition in respect of those reliefs.

4.This writ petition is partly allowed. No costs.

Sd/-
Assistant Registrar(CSIII)

/True Copy/
Sub Assistant Registrar

To

- 1) The Secretary to Government,
Transport Department, Secretariat, Chennai - 600 009.
- 2) The Managing Director,
Tamil Nadu State Transport Corporation(Kumbakonam) Ltd,
No.27, Railway Station Road,
Kumbakonam, Thanjavur District.
- 3) The General Manager,
Tamil Nadu State Transport Corporation(Kumbakonam) Ltd,
Trichy Region, Periyamilaguparai, Trichy.

+1cc to Mr. D. Sivaraman, Advocate, SR.No.56112

+1cc to Mr. N. Sudhagar Nagaraj, Advocate, SR.No.56493

SKM

RL/KK/SAR1/28.04.2018/2P/6C

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