

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****Dated : 27.03.2018****CORAM :****THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN****W.P(MD)No.6059 of 2018**

G.Krishnamoorthy

... 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 a sum of Rs.3,16,460/-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 him together with reasonable rate of interest payable to him with effect from 30.06.2013.

For Petitioner

: Mr.N.Sudhagar Nagaraj

For Respondents

: Mr.K.Saravanan,

Government Advocate for R1

Mr.D.Sivaraman for R2 to R4

**ORDER**

Mr.K.Saravanan, learned Government Advocate takes notice for the first respondent and Mr.D.Sivaraman, learned standing counsel takes notice for the respondents 2 to 4. By consent of both parties, this writ petition is taken up for disposal at the admission stage itself.

2.The petitioner worked in the respondent corporation. He retired from service on 30.06.2013. A sum of Rs.3,16,460/- was recovered from the petitioner's gratuity and other retiral benefits towards non-implemented punishment of increment cuts. Aggrieved by the same, this writ petition has been filed.

3.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. The Hon'ble Division Bench has held that it is not open to the respondents to impose recovery under the head of non implemented punishment of increment cuts. In this case, the respondents have withheld a sum of Rs.3,16,460/-. 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 said amount within eight weeks from the date of receipt of a copy of this order to the petitioner.

4.The Writ Petition is allowed. No costs.

Sd/-

Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar

To

The Secretary to Government,
Transport Department, Secretariat,
Chennai - 600 009.

+ 1 cc TO Mr.N.Sudhagar Nagaraj , Advocate in SR No. 58546
+ 1 cc TO Mr.D.Sivaraman , Advocate in SR No. 58758
+ 1 cc TO The Special Government Pleader in SR No. 59327

skm

AE/JC/SAR4/07.05.2018/2P/5C

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