



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.07.2018

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WEB COPY

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P.(MD).Nos.15718 & 15719 of 2018
and
WMP(MD) Nos.14077 & 14078 of 2018

M.Jayakumar

.. Petitioner in both petitions

Vs.

1.The Management of Tamil Nadu State

Express Transport Corporation (Tamil Nadu) Ltd.,

Rep. by its Managing Director,

Pallavan Salai, Chennai - 2.

2.The General Manager,

State Express Transport Corporation (Tamil Nadu) Ltd.,

Pallavan Salai, Chennai - 2.

3.The Branch Manager,

State Express Transport Corporation (Tamil Nadu) Ltd.,

Kumbakonam Branch,

Kumbakonam.

.. Respondents in both petitions

PRAYER in W.P.(MD).Nos.15718 of 2018: Writ 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 "ticket book recovery" of Rs.1,91,555/- on the petitioner towards face value of unused / unsold missing tickets and cash collection of Rs.10,715/- as illegal and arbitrary and forbear the respondents from making any recovery of Rs.1,91,555/- towards face value of the unsold missing tickets and collected cash etc.

PRAYER in W.P.(MD).No.15719 of 2018: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents to forthwith provide duty to the petitioner in the post of Driver cum Conductor at Kumbakonam Branch of the 1st respondent corporation along with wages payable from 21.06.2018 to till the date on which the duty is provided to the petitioner.

In both petitions

For Petitioner

: Mr. A.Rahul

For Respondents

: Mr. K.Sathyasingh,
TNSTC Standing Counsel

**COMMON ORDER**

The Prayer sought for in the Writ Petition in WP(MD) No.15718 of 2018 is to issue a Writ of Declaration, declaring the action of the respondents in imposing "ticket book recovery" of Rs.1,91,555/- on the petitioner towards face value of unused / unsold missing tickets and cash collection of Rs.10,715/- as illegal and arbitrary and forbear the respondents from making any recovery of Rs.1,91,555/- towards face value of the unsold missing tickets and collected cash etc.

2. The Prayer sought for in the Writ Petition in WP(MD) No.15719 of 2018 is to issue a Writ of Mandamus, directing the respondents to forthwith provide duty to the petitioner in the post of Driver cum Conductor at Kumbakonam Branch of the 1st respondent corporation along with wages payable from 21.06.2018 to till the date on which the duty is provided to the petitioner.

3. Heard Mr.A.Rahul, learned counsel appearing for the petitioner and Mr.K.Sathyasingh, learned Standing Counsel appearing for the respondents.

4. The learned Counsel appearing for the petitioner would submit that the petitioner has been working as a Conductor at the respondent Corporation and while he was in duty at Bangalore route, the box containing the ticket books worth about Rs.1,91,555/- was stolen at Bangalore. Immediately, the petitioner gave a police complaint at Bangalore and on receipt of the police complaint, the Bangalore Police also gave receipt. In the lost report, the stolen articles of tickets box worth about Rs.1,91,555/- belong to State Transport Corporation Kumbakonam Bus Depot, Tamil Nadu, has been mentioned.

5. In this regard, there had been a settlement between the employer and employee that if the ticket book is stolen and the same is promptly reported by the Conductor, only the printing charges of the ticket book will be collected and not the amount equivalent to the value of the ticket book. In spite of settlement, the respondent Corporation insisted the petitioner to pay the value of the ticket book i.e. Rs.1,91,555/- and till such amount is paid, the petitioner will not be permitted to attend duty.

6. In this regard, the petitioner has made a request to the respondents on 04.07.2018 to permit the petitioner to join duty and in spite of the said request, till date, the petitioner was not permitted to join duty and therefore, the learned Counsel for the petitioner would submit that if the request of the petitioner dated 04.07.2018 may be directed to be considered by the respondents and an order to that effect is directed to be passed within a specified time frame that may be fixed by this Court, the petitioner would be satisfied.



7. I have heard Mr.K.Sathyasingh, learned Standing Counsel appearing for the respondents, who would submit that even though there is a settlement between the employer and employee, the petitioner has lost the ticket box along with cash and if it has been misused, it has to be given and at any rate, if really the ticket box has not been misused and the said amount may not be recovered and in this regard, the request of the petitioner dated 04.07.2018, with regard to permit him to join duty, would be considered by the respondent Corporation.

8. Considering the said submissions made by the learned Counsel appearing on both sides, this Court is inclined to pass the following :

"that the respondents are directed to consider the request of the petitioner dated 04.07.2018 by taking into account the settlement between the employer and employee, that if the ticket book is stolen and the same is promptly reported by the Conductor, only the printing charges of the ticket book will be collected and not the amount equivalent to the value of the ticket book and therefore, taking into account that the ticket book has been lost, for which, complaint has been given to the concerned police station on the date of lost itself, necessary orders shall be passed by the respondents with regard to the permission to the petitioner to join duty and such order shall be passed by the respondents within a period of two weeks from the date of receipt of a copy of this order."

9. With these directions, these writ petitions are disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(Crl.Side)

/True copy/

Sub Assistant Registrar(CS-II)

To

+1cc to Mr. A.Rahul, Advocate, SR.No.74012.

+2cc to Mr. K.Sathyasingh, Advocate, SR.No.74052 & 74053.

W.P.(MD).Nos.15718 & 15719 of 2018

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RAM/SV/SAR 2/23.07.2018/3P/4C