



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.07.2018

CORAM:

THE HONOURABLE MR.JUSTICE **R.SURESH KUMAR**

W.P. (MD) No.15033 of 2018

and

W.M.P. (MD) Nos.13577 and 13578 of 2018

N.Manoharan

...Petitioner

-Vs-

1. The Managing Director,
State Express Transport Corporation(Tamil Nadu) Ltd.,
Thiruvalluvar Illam,
Pallavan Salai, Chennai-2.

2. The General Manger,
State Express Transport Corporation(Tamil Nadu) Ltd.,
Thiruvalluvar Illam,
Pallavan Salai,
Chennai-2.

...Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Declaration, declaring the impugned order passed by the 2nd respondent in Order No.019066/TL2/SETC/2016 dated 05.02.2018 and consequent recovery of Rs.23,400/- from the petitioner's terminal benefits towards non-implemented punishment of increment cut as illegal and arbitrary and consequently direct the respondents to refund Rs.23,400/- with interest at 18% per annum from the date of the retirement to till the date of disbursement.

For Petitioners : Mr.A.Rahul

For Respondents : Mr.K.Sathyasingh
Standing counsel for TNSTC

ORDER

The prayer sought for in this Writ Petition is for a Writ of Declaration, declaring the impugned order passed by the 2nd respondent in Order No.019066/TL2/SETC/2016 dated 05.02.2018 and consequent recovery of Rs.23,400/- from the petitioner's terminal benefits towards non-implemented punishment of increment cut as illegal and arbitrary and consequently direct the respondents to refund Rs.23,400/- with interest at 18% per annum from the date of retirement to till the date of disbursement.



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

3. The learned counsel appearing for the petitioner would submit that the petitioner was appointed as Conductor at the second respondent corporation on 02.05.1987 and have worked for several years and also on superannuation retired from service on 28.02.2018. During service, some disciplinary proceedings were initiated against him, consequently a punishment of increment cut with cumulative effect for a period of six months was imposed. Subsequently, on retirement the Social Security Scheme amount payable to the petitioner has not been paid and the same has also been withheld. Therefore, in this regard, the petitioner has made a representation on 23.06.2018. However, no action has been taken by the second respondent. Hence, the petitioner is before this Court.

4. In this regard, the learned counsel for the petitioner would submit that if a direction is given to consider the representation of the petitioner, dated 23.06.2018 and an order to that effect is passed, the petitioner will be satisfied.

5. I have heard the learned Standing Counsel appearing for the respondents, who would submit that the representation submitted by the petitioner would be considered in accordance with law and an order to that effect will be passed within the time to be stipulated by this Court.

6. In view of the limited scope of the writ petition and after hearing the submissions made on both sides, this Court is inclined to pass the following order:-

"that the respondents are directed to consider the representation of the petitioner dated 23.06.2018 and pass orders on merits and in accordance with law within a period of six weeks from the date of receipt of a copy of this order."

7. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(W)

/True Copy/

Sub Assistant Registrar(CS-I)



To

1. The Managing Director,
State Express Transport Corporation(Tamil Nadu) Ltd.,
Thiruvalluvar Illam,
Pallavan Salai, Chennai-2.

2. The General Manger,
State Express Transport Corporation(Tamil Nadu) Ltd.,
Thiruvalluvar Illam,
Pallavan Salai,
Chennai-2.

+1cc to Mr.A.Rahul, Advocate Sr.No.72707

+1cc to Mr.K.Sathyasingh, Advocate Sr.No.72619

TA

VB/PM/SAR1/05.10.2018/3P/5C

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12.07.2018