

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****Dated : 18.01.2018****CORAM :****THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN****W.P(MD)No.13991 of 2017**

K.Ganesan

... Petitioner

Vs.

The Management of Tamil Nadu
State Transport Corporation
(Kumbakonam) Ltd,
Trichy Region, Rep.by its, General Manager,
Trichy.

... Respondent

Prayer : Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondent to refund the amount of Rs.51,129/- recovered from the terminal benefits of the petitioner in the name of increment amount recovery together with 18% interest p.a.

For Petitioner : Mr.S.Arunachalam
For Respondents : Mr.D.Sivaraman

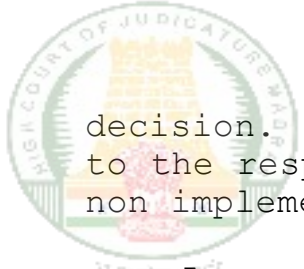
ORDER

Mr.D.Sivaraman, the learned standing counsel takes notice for the respondent.

2.By consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.

3.The petitioner was working as a Driver in the respondent transport corporation. The petitioner retired from service on 31.03.2014. However, his terminal benefits have not been settled. Hence, the petitioner approached this Court. This Court by order dated 28.04.2016 in WP(MD)No.6556 of 2016 directed the respondent to settle his entire terminal benefits. Thereafter, the petitioner moved the management. He was informed that certain amount is going to be recovered from his terminal benefits towards the non implemented punishment of increment cut. Aggrieved by the same, this writ petition has been filed.

4.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. This Court is inclined to follow the aforesaid



decision. The Hon'ble Division Bench has held that it is not open to the respondent corporation to impose recovery under the head of non implemented punishment of increment cuts.

5. In this case, the respondent has withheld a sum of Rs.51,129/- payable to the petitioner. Since the issue on hand is covered by the above said decision, this Court has no hesitation to grant the relief sought for in this Writ Petition. The respondent is directed to disburse the amount withheld by him towards non implemented punishment of increment cuts, to the petitioner, within a period of eight weeks from the date of receipt of a copy of this order.

6. The writ petition is allowed. No costs.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

+1cc to Mr.D.Sivaraman, Advocate SR.No.42906

SKM

VB/SV/MMS/SAR1/29.06.2018/2P/2C

W.P(MD)No.13991 of 2017
18.01.2018