



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 18.01.2018

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.14738 of 2017

M.Govindaraj

... Petitioner

Vs.

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

... Respondent

Prayer : Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the order of the respondent in TNSTC/KUM/L2/LEGAL CONTEMPT PETITION NO.68/17 dated 24.06.2017 quash the same and consequently to direct the respondent to refund the amount Rs.3,22,704/- recovered from the terminal benefits of the petitioner, together with 18% interest p.a., award costs.

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

ORDER

Heard the learned counsel on either side.

2.The petitioner was working as a Conductor in the respondent transport corporation. The petitioner retired from service on 30.06.2013. He was served with the impugned proceedings dated 24.06.2017 whereby a sum of Rs.3,22,704/- was ordered to be recovered from the petitioners towards non-implemented punishment of increment cut. 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. <https://hcservices.ecourts.gov.in/hcservices/> 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 respondent has withheld a sum of Rs.3,22,704/- payable to the petitioner towards non implemented punishment of increment cuts.

4. 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 withheld amount to the petitioner within a period of eight weeks from the date of receipt of a copy of this order.

5. The Writ Petition is allowed. No costs.

Sd/-

Assistant Registrar (T&P)

/True Copy/

Sub Assistant Registrar

To

The General Manager,
The Management of Tamilnadu State Transport
Corporation (Kumbakonam) Ltd,
Kumbakonam Region,
Kumbakonam.

+1cc to Mr.D.Sivaraman, Advocate, SR.No.42908

skm

RL/3C/2P/KK/SAR1/26/4/2018

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