

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****Dated : 18.01.2018****CORAM :****THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

WEB COPY

W.P (MD) No.17319 of 2017**and****WMP (MD) No.17775 of 2017**

A.Atkonda Sundaram

... Petitioner

Vs.

The Management of Tamil Nadu
State Transport Corporation
(Thirunelveli) Ltd,
Thirunelveli Region,
Rep.by its, Managing Director,
Thirunelveli.

... 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.52,920/- recovered from the terminal benefits of the petitioner in the name of value of the punishment unaffected period, together with 18% interest p.a.

For Petitioner : Mr.S.Arunachalam
For Respondents : Mr.K.Sathiyasingh

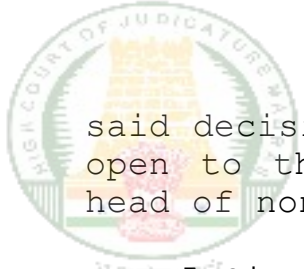
ORDER

Mr.K.Sathiyasingh, the learned standing counsel takes notice for the respondent.

2.By consent of both parties, the 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 31.05.2014. However, his terminal benefits have not been settled. Hence, the petitioner approached this Court. This Court by order dated 24.08.2016 in WP(MD)No.14368 of 2016 directed the respondent to settle his entire terminal benefits. Thereafter, the petitioner moved the respondent corporation. However, the petitioner was not paid with full settlement. He was informed that a sum of Rs.52,920/- has been deducted from his terminal benefits towards the value of the punishment affected period. 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 above



said 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 increment cuts.

5. Since the issue on hand is already covered, this Court has no hesitation to grant the relief sought for in this Writ Petition. The respondent is directed to refund the amount of withheld by him towards the non implemented punishment of increment cuts to the petitioner herein, within a period of four weeks from the date of receipt of a copy of this order.

6. The writ petition is allowed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To

The Management of Tamil Nadu
State Transport Corporation
(Thirunelveli) Ltd,
Thirunelveli Region,
Rep. by its, Managing Director,
Thirunelveli.

+1cc to Mr. K. Sathiyasingh, Advocate Sr. No. 42743

SKM

VB/SV/MMS/SAR1/29.06.2018/2P/3C

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and
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