



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.01.2018

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) No.17379 of 2017

and

W.M.P. (MD) .No.17616 of 2017

V.A.Sebastian

.. Petitioner

Vs.

The Management of

Tamil Nadu State Transport Corporation (Madurai) Ltd.,

Madurai Region, Rep. by its General Manager,

Madurai.

.. Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondent to refund the amount of Rs.11,682/- recovered from the terminal benefits of the petitioner in the name of increment cut, together with 18% interest per annum.

For petitioner

: Mr.S.Arunachalam

For Respondent

: Mr.A.Jeyaram

Standing Counsel

O R D E R

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

2. Heard Mr.S.Arunachalam, learned Counsel for the petitioner and Mr.A.Jeyaram, learned Standing Counsel, appearing for the respondent.

3. The writ petitioner is a retired employee of the respondent Transport Corporation. A sum of Rs.11,682/- was erroneously deducted from the terminal benefits payable to the writ petitioner. But the same was done without notice. The respondent proceeded to do so on the premise that it would represent the value of the increment cut effected on the writ petitioner. A Division Bench of this Court by order dated 30.06.2017 in W.A.(MD).No.465 of 2017 etc., batch held that such orders of recovery passed against the employee are liable to be set aside. A direction was given for refund of the said amount with interest at the rate of 6% per annum. If the respondent did not refund the same as directed within a period of three months, it was made clear that the interest would then be enhanced to 18% per annum.

4. The case on hand is covered by the said decision. Therefore, the respondent is directed to refund the amount of



Rs.11,682/- with interest at the rate of 6% per annum within a period of three months. This Writ petition is allowed, accordingly. No costs. Consequently, W.M.P.(MD).No.17616 of 2017 is closed.

Sd/-

Assistant Registrar(Crl. side)

/True Copy/

Sub Assistant Registrar

To

The General Manager,
Tamil Nadu State Transport Corporation (Madurai) Ltd.,
Madurai Region,
Madurai.

+1cc to M/S.S.Arunachalam, Advocate SR.No. 41936

+1cc to M/S.A.Jeyaram, Advocate SR.No. 41797

ORDER MADE IN
W.P. (MD) No.17379 of 2017
and
W.M.P. (MD) .No.17616 of 2017
10.01.2018

kmi

JM/SKN RSK/SAR 2/30.01.2018/2P/4C