



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.2028 of 2017

and

WMP(MD)No.17617 of 2017

D.Rengaraju

... 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 not to make recovery of Rs.2,34,765/- from the terminal benefits of the petitioner in the name of increment amount recovery as mentioned in the settlement of account issued to him.

For Petitioner : Mr.S.Arunachalam

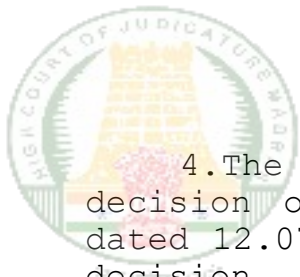
For Respondents : Mr.D.Sivaraman

### **ORDER**

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

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

3.The petitioner was working as a Conductor in the respondent transport corporation. The petitioner retired from service on 30.06.2016. However, his terminal benefits have not been settled. Hence, the petitioner approached this Court. This Court by order dated 07.11.2016 in WP(MD)No.21226 of 2016 directed the respondent to settle his entire terminal benefits. Thereafter, the petitioner moved the management. He was informed that a certain amount is going to be recovered from his terminal benefits towards non implemented punishment of increment cuts. 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 punishment of increment cuts.

5.In this case, the respondent has withheld a sum of Rs.2,34,765/- payable to the petitioner, towards the non implemented period of increment cuts. 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 disburse the amount recovered by him towards non implemented period of punishment cuts, within eight weeks from the date of receipt of a copy of this order to the petitioner.

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

Sd/-

Assistant Registrar (AS)

/True Copy/

Sub Assistant Registrar

+1CC to Mr.D.Sivaraman Advocate in SR.No.42907.

+1CC to Mr.S.Arunachalam Advocate in SR.No.42892.

SKM

DS/SKN-RSK/SAR-3 :02.07.2018: 2P/3C

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