



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. 24191 of 2017
and
W.M.P. (MD) No.20309 of 2017

M.Ganesan

... Petitioner

Vs.

- 1.The Management of
Tamil Nadu State Transport
Corporation (Kumbakonam) Ltd.,
Represented by its Managing Director,
Kumbakonam.
- 2.The General Manager,
Tamil Nadu State Transport
Corporation (Kumbakonam) Ltd.,
Kumbakonam Region,
Kumbakonam.
- 3.The Administrator,
Tamil Nadu State Transport Corporation,
Pension Fund Trust, Thiruvalluvar Illam,
Pallavan Salai,
Chennai-600 002.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Declaration, declaring the action of the respondents in imposing recovery under the head of "Non implemented increment cuts" to the tune of Rs.30,600/- on the petitioner as illegal, null and void and without jurisdiction and consequently direct the respondents to pay the recovery amount of Rs.30,600/- other terminal benefits namely Earned leave salary, commuted value of pension without making any recovery and with the interest at the rate of 18% per annum payable from 30.06.2014 to till the date on which the above benefits are settled to the petitioner.

For petitioner : Mr.A.Rahul

For Respondents : Mr.D.Sivaraman
Standing Counsel

O R D E R

Heard Mr.A.Rahul, learned counsel, appearing for the petitioner and Mr.D.Sivaraman, learned Standing Counsel, appearing for the respondents.

2.By consent of both the parties, the main writ petition is taken up for final disposal.

3.Though the issue on hand is covered by an earlier Division Bench decision of this Court made in W.A.(MD).No.465 of 2013 etc batch dated 30.06.2017, Special Leave Petition has been preferred and that is yet to be numbered.

4.This Court is however inclined to follow the legal position that obtains as on today. The Hon'ble Division Bench has held that it is not open to the respondents to impose recovery under the head of non implemented increment cuts. In this case, the respondents have withheld a sum of Rs.30,600/- payable to the petitioner. Since the issue on hand is already covered, this Court has no hesitation to grant the relief sought for in this Writ Petition. The respondents are directed to disburse the same within eight weeks to the petitioner.

5.The Writ Petition is allowed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(Protocol)

/True Copy/

Sub Assistant Registrar

+1CC to Mr.A.Rahul, Advocate, SR.No. 42801

+1CC to Mr.D.Sivaraman, Advocate, SR.No. 42751

ORDER MADE IN
W.P. (MD) No. 24191 of 2017
and
W.M.P. (MD) No.20309 of 2017
18.01.2018

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AM/SKN RSK/SAR 2/19.02.2018/2P/3C