



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.07.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P.No.18706 of 2019
and
W.M.P.No.18046 of 2019

G.Dhayalan
Conductor JO 6442

.. Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Transport Corporation
(Coimbatore) Ltd.,
37, Mettupalayam Road,
Coimbatore 641 002.

2.The General manager,
Tamil Nadu State Transport Corporation,
Erode Region (Head Office),
Chennimalai Road,
Erode 638 001.

.. Respondents

Prayer: The Writ Petition is filed under Article 226 of the Constitution of India, seeking to issue a Writ of Mandamus, directing the 2nd respondent not to effect further recovery from the monthly salary of the petitioner i.e., from June 2019, @ 11,508/- based on the order of recovery passed by him in his Proc.Pa.No.1/D3/356/Law/TNSTC/ER/2017 dated 09.01.2019 till the finalization of the statutory Appeal dated 23.02.2019 pending with the 1st respondent and consequently, direct the 1st respondent to dispose of the Appeal within such time as this Court may deem fit and proper in the nature and circumstances of the above case duly considering the plea of the petitioner to recover only the printing charges for the loss of ticket books.

For Petitioner : Mr.P.M.Subramaniam

For Respondents : Mr.K.J.Sivakumar



O R D E R

The present Writ Petition is filed seeking to issue a Writ of Mandamus, directing the 2nd respondent not to effect further recovery from the monthly salary of the petitioner i.e., from June 2019, @ 11,508/- based on the order of recovery passed by him in his Proc.Pa.No.1/D3/356/Law/TNSTC/ER/2017 dated 09.01.2019 till the finalization of the statutory Appeal dated 23.02.2019 pending with the 1st respondent and consequently, direct the 1st respondent to dispose of the Appeal within such time considering the plea of the petitioner to recover only the printing charges for the loss of ticket books.

2.Mr.K.J.Sivakumar, learned counsel takes notice for the respondents.

3.By consent of both the learned counsel appearing for the petitioner as well as the respondents, the Writ Petition is taken up for disposal at the admission stage itself.

4.According to the petitioner, he was working as a Conductor in Andhiyur Branch. On 11.04.2017 in Bus No.TN 39-N-0074 in Erode-Gobi-Sathi Bus route, 84 printed muffusil Bus Ticket Books and 2 route collection Sheet bearing Nos.56949 and 347 issued to the petitioner, kept in the back side of the driver was missing. In spite of the complaint given to the Police, the ticket books were not traced. The 2nd respondent initiated disciplinary proceedings and passed order dated 09.01.2019 for recovery of Rs.80,560/- being value of the lost ticket books, from the salary of the petitioner in seven instalments. As per bipartite settlement in force between the Management and the Union, it has been agreed that whenever ticket books are lost or damaged, only the printing charges should be recovered from the Conductor and not the value of the tickets. The petitioner challenging the order of recovery, filed statutory Appeal to the 1st respondent and the said Appeal is pending. While so, the 2nd respondent Management started recovering the amount of Rs.11,508/- from the salary for the month of June, 2019, hence the Writ Petition.

5.Heard the learned counsel appearing for the petitioner as well as the respondents and perused the materials available on record.

6.It is an admitted fact that statutory Appeal filed by the petitioner before the 1st respondent is pending. In view of the above, the 1st respondent is directed to consider the Appeal filed by the petitioner on merits and pass orders in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order. Till such time, there will be an order of



stay of recovery of the amount of Rs.80,560/- from the petitioner.

7. In the result, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

WEB COPY

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

gsa

To

1. The Managing Director,
Tamil Nadu State Transport Corporation
(Coimbatore) Ltd.,
37, Mettupalayam Road,
Coimbatore 641 002.

2. The General manager,
Tamil Nadu State Transport Corporation,
Erode Region (Head Office),
Chennimalai Road,
Erode 638 001.

+1cc to Mrs.S.Girija, Advocate, S.R.No.55817

W.P.No.18706 of 2019

EV(CO)

RRS(09/08/2019)