

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :20.11.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No. 33131 of 2019
and WMP.Nos. 33560 & 33561 of 2019

M.Loganathan

... Petitioner

Vs

1.The Managing Director,
Tamil Nadu State Transport Corporation
(Villupuram) Ltd.,
Salamedu,
Villupuram-605602.

2.The General Manager,
Tamil Nadu State Transport Corporation
(Villupuram) Ltd.,
Salamedu,
Villupuram-605602.

3. The Branch Manager,
Tamil Nadu State Transport Corporation
(Villupuram) Ltd.,
Chinnasalem Depot,
Villupuram District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records from the 2nd respondent's letter vide K.No.14/Va. Tha.pi5 tha.Na.Aa.Po.ka(vi)-2019 dated 05.09.2019 relating to recovery of Rs.1,57,912/- from petitioner's salary and quash the same and consequently direct the 3rd respondent to grant the petitioner's salary without any recovery.

For Petitioner : Mr. P.Saravanan

For Respondent : Mr. C.S.K. Sathish.

O R D E R

Writ Petition is filed for issuance of a Writ of Certiorarified Mandamus to call for the records from the 2nd respondent's letter vide K.No.14/Va. Tha.pi5 tha.Na.Aa.Po.ka (vi)-2019 dated 05.09.2019 relating to recovery of Rs.1,57,912/- from petitioner's salary and quash the same and consequently direct the 3rd respondent to grant the petitioner's salary without any recovery.

2. Heard both sides and perused the records. By consent, the writ petition is taken up for final disposal.

3. The case of the petitioner is that the petitioner was working as Conductor in respondent's corporation bus bearing Reg.No. TN21N1370. On 19.07.2019 when the said bus was plying from Koyambedu Bus stand to Kamarajapuram Thendral Nagar bypass road near Sankar Nagar, they dashed against one person. The petitioner lodged a complaint before the Sankar Nagar Police Station, Chennai on 20.07.2019. However, the respondent corporation without conducting any enquiry, imposed a penalty of Rs.1,57,912/- equal to the cost of bus ticket books, which were alleged to have been stolen. Challenging the same, the present writ petition is filed.

4. Learned counsel appearing for the petitioners has submitted that one Siva had lodged a complaint before the Chrompet Police Station on 20.07.2019 and the same was registered in Crime No.360 of 2019. The petitioner has also filed a complaint before the Sankar Nagar Police station on the same day i.e on 20.07.2019 at 10.00 a.m. The learned counsel further submitted that based on the above incident, the petitioner gave mercy petitions on 09.08.2019 and 19.08.2019 not to take any steps for recovery. But the 2nd respondent without considering the same, imposed punishment to recover the amount 1,57,912/-, which is unreasonable one. Hence, the present writ petition.

5. Mr.C.S.K. Sathish, learned counsel appearing for the respondent submitted that the petitioner has not made his complaint before the jurisdictional police immediately after the accident. One Siva had lodged complaint on the same day at 0.20 hrs and the same was registered in Crime No. 360 of 2019 under Sections 279 & 304(A) IPC. It is further submitted by the learned counsel that there is no mention in the complaint lodged by the petitioner with regard to the missing of ticket books, hence the recovery order passed by the respondent equal to the value of the ticket books is proper.

6. In view of the submissions made by either side and considering the complaint recorded in CSR No. 555/2019 issued on the complaint lodged by the petitioner, wherein it has been stated that due to the accident, the petitioner's Aadhar Card and Ticket books were stolen, I am of the view that order of recovery passed by the 2nd respondent would not be proper.

7. Accordingly, the impugned order dated 04.09.2019 issued by the 2nd respondent is set aside. However, in order to protect the rights of the respondent corporation, the petitioner is directed to deposit a sum of Rs.50,000/- without prejudice his rights within a period of two weeks from the date of receipt of a copy of this Order and file appropriate explanation before the 2nd respondent. The 2nd respondent shall consider the explanation of the petitioner and pass appropriate orders on merits and in accordance with law after affording due opportunities to the petitioner, within a period of four (4) weeks thereafter.

8. With the above observations and directions, the writ petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

To

1.The Managing Director,
Tamil Nadu State Transport Corporation
(Villupuram) Ltd.,
Salamedu,
Villupuram-605602.

2.The General Manager,
Tamil Nadu State Transport Corporation
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Salamedu,
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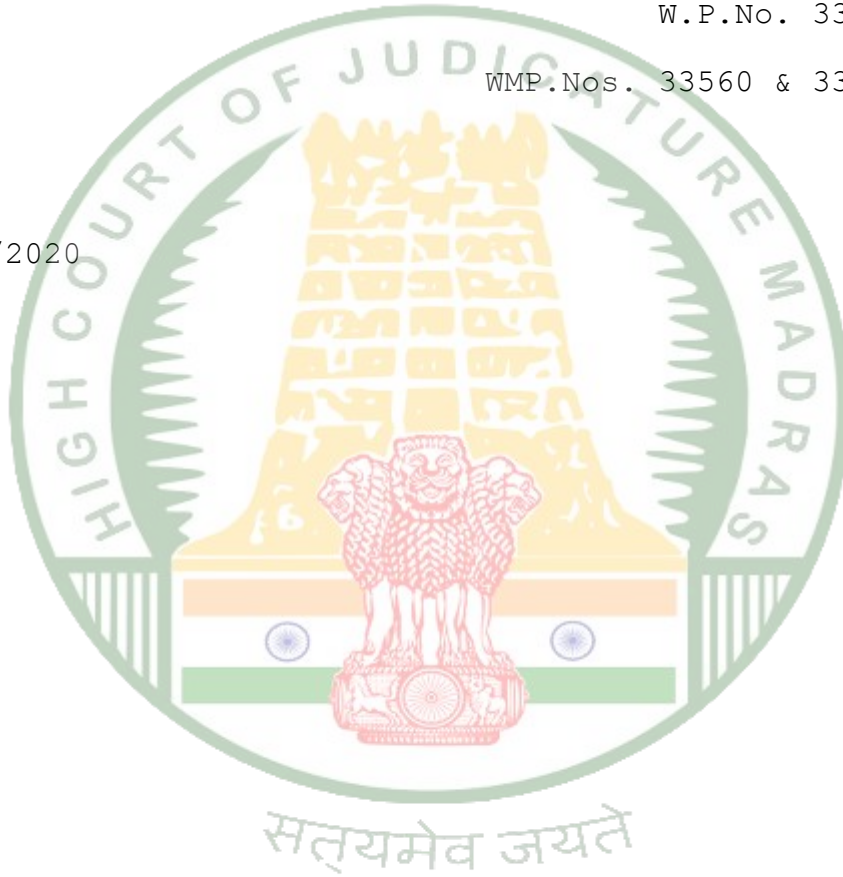
3. The Branch Manager,
Tamil Nadu State Transport Corporation
(Villupuram) Ltd.,
Chinnasalem Depot,
Villupuram District.

+lcc to M/s.P.Saravanan, Advocate Sr.99350

W.P.No. 33131 of 2019
and

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