



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.06.2019

CORAM:

THE HONOURABLE MR.JUSTICE **D. KRISHNAKUMAR**

WP(MD)No.13849 of 2019 and

WMP(MD).No.10365 of 2019

P. Murugesan

... Petitioner

Vs.

Tamil Nadu State Transport Corporation

(Madurai) Ltd.,

Rep. by its General Manager,

Dindigul Region, Bye Pass Road,

Dindigul.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the order dated 12.04.2019 in Ref.No.LD8D2/1317 passed by the respondent and quash the same and further directing the respondent to remit the first installment of Rs.5,340/- to the petitioner's savings account, award costs.

For Petitioner

: Mr. G.M. Xavier

For respondent

: Mr. J. Senthil Kumariah

Standing Counsel

ORDER

This Writ Petition has been filed seeking to call for the records pertaining to the order, dated 12.04.2019 passed in Ref.No.LD8D2/1317 by the respondent and quash the same and consequently, direct the respondent to remit the first installment of Rs.5,340/- to the petitioner's savings account and award costs.

2. Mr. J. Senthil Kumariah, learned Standing Counsel takes notice for the respondent.

3. By the consent of both sides, this Writ Petition is taken up for disposal at the admission stage itself.

4. The petitioner is working as a Conductor in the respondent / Transport Corporation and on 20.07.2018 at about 11.30 a.m., when the bus was standing at Singanallur Bus stand, he went for filling of drinking water, by keeping the spare unused ticket bundle and ETM machine behind the driver seat. When, he returned back, he found that the ticket books are missing. Thereafter, the respondent / Corporation issued a show cause notice dated 30.03.2019. In spite of the petitioner's explanation, the respondent has issued the impugned order dated 12.04.2019 and ordered to recover a sum of Rs.1,06,794/- from his monthly salary in 20 equal monthly installments and the period of 16 days (from 22.07.2018 to 06.08.2018) of temporary suspension may be treated as eligible leave. Aggrieved by the same, the petitioner has filed the present Writ Petition.



5. The learned counsel appearing for the petitioner submitted that the ticket books were lost only due to theft and the petitioner has also made a complaint. He would further submit that the respondent cannot make recovery towards loss of tickets as per Clause 17 of the Settlement, dated 06.02.2008. He further contended that the said impugned order is passed contrary to the 12(3) settlement entered into between both the petitioner and the Management Corporation and hence, the said impugned order is liable to be quashed.

6. The learned Standing Counsel appearing for the respondent / Corporation would submit that if the petitioner is having any grievance in the said impugned order, he has to approach the appropriate authority and hence, the Writ Petition filed under Article 226 of the Constitution of India is not maintainable and the same is liable to be dismissed.

7. I have heard the learned counsel appearing on either side and perused the materials available on record.

8. Considering the facts and circumstances of the case and also considering the fact that the petitioner is having an alternative remedy before the appropriate forum, as against the order passed by the second respondent, dated 12.04.2019, this Writ Petition is not maintainable and cannot be entertained. Hence, the Writ Petition is dismissed. However, the petitioner is at liberty to file an Appeal before the concerned Authority, within a period of three weeks from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (Ad-II)

// True Copy //

Sub Assistant Registrar(CS)

To

Tamil Nadu State Transport Corporation
(Madurai) Ltd.,
Rep. by its General Manager,
Dindigul Region, Bye Pass Road, Dindigul.

+1 CC to M/s.J.SENTHIL KUMARAI AH, Advocate SR-70144.

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