



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.06.2019

CORAM:

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

WP(MD)No.13857 of 2019

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T.Amutha

... Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Transport Corporation
(Madurai) Limited,
Bye Pass Road,
Madurai - 625 016

2.The General Manager,
Tamil Nadu State Transport Corporation
(Madurai) Limited,
Virudhunagar Region,
Madurai Road,
Virudhunagar.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of declaration, declaring that the action of the respondents in having recovered in sum of Rs.1,84,509/- (Rupees One Lakh Eighty Four Thousand and Five Hundred and Nine only) from the petitioner's husband's gratuity towards non-implemented increment cut punishment as illegal, null and void and without jurisdiction and consequently, directing the the respondents to refund the above recovered amount of Rs.1,84,509/- (Rupees One Lakh Eighty Four Thousand and Five Hundred and Nine only) together with 6% interest.

For Petitioner : M/s.D.Ramya for Mr.C.Thangamani
For Respondents : Mr.J.Senthil Kumaraiah
Standing Counsel

ORDER

This Writ Petition has been filed for issuing a Writ of Declaration declaring that the action of the respondents in having recovered in sum of Rs.1,84,509/- (Rupees One Lakh Eighty Four Thousand and Five Hundred and Nine only) from the petitioner's husband's gratuity towards non-implemented increment cut punishment as illegal, null and void and without jurisdiction and consequently, direct the the respondents to refund the above recovered amount together with 6% interest.



2. Mr. J. Senthil Kumaraiah, learned Standing Counsel takes notice for the respondents.

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

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4. The grievance of the petitioner is that the respondent - Corporation has recovered a sum of Rs.1,84,509/- from her deceased husband's gratuity, towards non-implemented increment cut punishment, at the time of settling the retirement benefits to her. Hence, the petitioner has made a representation, dated 21.03.2019 to the respondents, to refund the said amount. The same has not been considered so far. In such circumstances, the petitioner has filed the present Writ Petition.

5. The learned counsel appearing for the petitioner submitted that this issued has already been decided by this Court in WA(MD).Nos. 886 and 887 of 2017, dated 12.07.2017 and he has also enclosed the said Judgment in the typed set of papers.

6. The learned Standing Counsel appearing for the respondents submitted that the representation of the petitioner will be considered in the light of the said Judgment within a specified time that may be fixed by this Court.

7. Having regard to the limited scope of the prayer, that is now sought before this Court by the learned counsel appearing for the petitioner, this Court, without expressing any opinion on the merits of the petitioner's case, directs the 2nd respondent to consider the representation of the petitioner, dated 21.03.2019 on merits and in accordance with law and also in the light of the Judgment of this Court, dated 12.07.2017, passed in WA(MD).Nos. 886 and 887 of 2017 and pass necessary orders, within a period of six weeks from the date of receipt of a copy of this order, after affording due opportunity of hearing to the petitioner.

8. With the above direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (AD-II)

/ True Copy /

Sub Assistant Registrar(CS-)

trp

To

1.The Managing Director,
Tamil Nadu State Transport Corporation
(Madurai) Limited,

<https://hcservices.ecourts.gov.in/hcservices/>
Bye Pass Road, Madurai - 625 016



2.The General Manager,
Tamil Nadu State Transport Corporation
(Madurai) Limited,
Virudhunagar Region,
Madurai Road,
Virudhunagar.

+1 CC to M/s.J.SENTHIL KUMARAI AH, Advocate
(SR-70141[F] dated 20/06/2019)

+1 CC to M/s.C.THANGAMANI, Advocate (SR-70188[F] dated 20/06/2019)

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ES/08.07.2019/3P/5C