



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **15.09.2023**

CORAM:

THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P(MD)NO.3433 OF 2019

and

W.M.P(MD)No.2701 of 2019

Thirumaran,
Driver-cum-Conductor,
Staff No.33257,
The State Express Transport Corporation(Tamil Nadu)Limited,
Thanjavur Branch. :Petitioner

.VS.

1.The State Express Transport Corporation(Tamil Nadu)Limited,
represented by its Managing Director,
Pallavan Salai,
Chennai – 600 002.

2.The General Manager,
The State Express Transport Corporation(Tamil Nadu)Limited,
Pallavan Salai,
Chennai – 600 002.

3.The Branch Manager,
The State Express Transport Corporation(Tamil Nadu)Limited,
Thanjavur Branch,
Thanjavur. : Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of declaration declaring the action of the respondents in imposing recovery of Rs.82,285/- towards loss of Ticket Books during his trip between Thanjavur to Chennai on 20.12.2018 in the Route No.323 and the action of the



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respondents in deducting Rs.3000/- from his salary for the month of January 2019 towards recovery as illegal, arbitrary and consequently direct the respondents to refund the part amount of Rs.3000/- recovered from the Petitioner towards loss of ticket books and forbear the respondents from making further recovery from his salary towards Rs.82,285/-.

For Petitioner :Mr.A.Rahul

For Respondents :Mr.K.Sathiya Singh
Standing Counsel

ORDER

This Writ Petition is filed to declare the action of the respondents in imposing recovery of Rs.82,285/- towards loss of Ticket Books during his trip between Thanjavur to Chennai on 20.12.2018 in the Route No.323 and the action of the respondents in deducting Rs.3000/- from his salary for the month of January 2019 towards recovery as illegal, arbitrary and consequently direct the respondents to refund the part amount of Rs.3000/- recovered from the Petitioner towards loss of ticket books and forbear the respondents from making further recovery from his salary towards Rs.82,285/-.

2.Heard the learned counsel appearing on either side and



perused the materials placed before this Court.

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3.The brief facts are that the petitioner is working as Driver-cum-Conductor in the respondents/Corporation and while-so, on 20.12.2018, ticket books were lost and accordingly, taking into account the face value of the tickets, the loss has been calculated at Rs.82,285/- and the same is ordered to be recovered. It is admitted by both sides that a 12(3) Settlement is entered between the respondents/Management and the employees and that in the event of loss of any ticket books, the entire face value will not be recovered and only the printing charges will be recovered. Based on the above submission, an order has been passed by the Division Bench of this Court in the case of **Management of Rani Mangammal Transport Corporation Limited(now known as Tamil Nadu State Transport Corporation Limited),Dindigul, by its Managing Director .vs. M.Palanisamy reported in (2008) 1 MLJ 224**.The said position has been consistently followed in the subsequent cases also.

4.In that view of the matter, this Writ Petition is disposed of in the following lines:



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(i)the action of the respondents in ordering recovery of a total sum of Rs.82,285/- from the Petitioner is declared as illegal ;

(ii)consequently, the respondents are directed to refund the amount recovered after arriving at the printing charges and after deducting the same;

(iii)after deducting the printing charges, balance amount so recovered from the Petitioner shall be refunded to the Petitioner within a period of 12 weeks from the date of receipt of a copy of this order.

(iv)However, there shall be no order as to costs.
Consequently, connected Miscellaneous Petition is closed.

15.09.2023

Index:Yes/No
Internet:Yes/No
NCC:Yes/No

vsn

To

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



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- Pallavan Salai,
Chennai – 600 002.
2. The General Manager,
The State Express Transport Corporation(Tamil Nadu)Limited,
Pallavan Salai,
Chennai – 600 002.
3. The Branch Manager,
The State Express Transport Corporation(Tamil Nadu)Limited,
Thanjavur Branch,
Thanjavur.



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D.BHARATHA CHAKRAVARTHY,J.

vsn

ORDER MADE IN
W.P(MD)NO.3433 OF 2019
and
W.M.P(MD)No.2701 of 2019

15.09.2023