



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.03.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) No.5027 of 2019

and

W.M.P. (MD) Nos.4005 and 4006 of 2019

T.Rethinakumar

... Petitioner

Vs

1. The Management of
Tamil Nadu State Transportation Corporation
(Tirunelveli) Limited,
Represented by its Managing Director,
Tirunelveli.

2. The General Manager,
Tamil Nadu State Transport Corporation
(Tirunelveli) Limited,
Nagercoil Region,
Nagercoil.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the second respondent in Memo No.4762/SaPaPil/TNSTC (Thili)/2018, dated 10.01.2019, quash the same in so far as imposing recovery of Rs.1,77,600/- towards "Non-implemented punishment of increment cuts" and consequently forebear the respondents from in any manner recovering Rs.1,77,600/- from the terminal benefits payable to the petitioner.

For Petitioner : Mr.A.Rahul

For Respondents : Mr.K.Sathiya Singh

ORDER

Heard the learned counsel appearing for the writ petitioner and the learned standing counsel appearing for the respondents Corporation.

2.The respondent is endeavoring to impose recovery of certain sum of money towards non implemented punishment of increment cut. It has been held in several decisions that such recovery cannot be made.

3.The learned counsel appearing for the writ petitioner drew my attention to the Division Bench order dated 12.07.2017 in W.A. (MD) Nos.8886 and 8887 of 2017.



4. The case on hand is squarely covered by the aforesaid decision. Therefore, the order impugned in this writ petition is set aside. The writ petition is allowed accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

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sd/
Assistant Registrar(writs)

/True Copy/

Sub Assistant Registrar

To

1. The Management of
Tamil Nadu State Transportation Corporation
(Tirunelveli) Limited,
Represented by its Managing Director,
Tirunelveli.

2. The General Manager,
Tamil Nadu State Transport Corporation
(Tirunelveli) Limited,
Nagercoil Region,
Nagercoil.

+1 CC to Mr.K.SAHTIYA SINGH, Advocate (SR-51310 dated 04/03/2019)
+1 CC to Mr.A.RAHUL, Advocate (SR-51388[F] dated 04/03/2019)

W.P. (MD) No. 5027 of 2019
and

W.M.P. (MD) Nos. 4005 and 4006 of 2019
04.03.2019

rmi

MK (18.03.2019) 2P 5C