



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.04.2019

CORAM:

THE HONOURABLE MR. JUSTICE R. MAHADEVAN

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WP(MD)Nos.14681 of 2015, 23343 of 2016, 3683, 21423 and 4441 of 2017, 4018 and 5448 of 2019

and

MP(MD)No. 1 of 2015,
WMP(MD)Nos.16777 and 16778 of 2016, 3113 and 3114 of 2019

K.P.SURESHKUMAR	... Petitioner in WP(MD). 14681/ 2015
S.JOTHI RAMALINGAM,	... Petitioner in WP(MD). 23343/ 2016
D.SUDHAKAR	... Petitioner in WP(MD). 3683/ 2017
N.MUTHAIYAN,	... Petitioner in WP(MD). 21423/ 2017
V.KARUTHAPANDI	... Petitioner in WP(MD). 4441/ 2017
A.ELAMARAN,	... Petitioner in WP(MD). 4018/ 2019
S.J.STALIN,	... Petitioner in WP(MD). 5448/ 2019

- Vs. -

1 THE MANAGEMENT OF TAMILNADU
STATE TRANSPORT CORPORATION (MADURAI) LTD,
MADURAI REGION, REP. BY ITS GENERAL MANAGER, MADURAI.
... Respondent in WP(MD). 14681/ 2015

1 THE MANAGING DIRECTOR
TAMIL NADU STATE TRANSPORT CORPORATION (KUMBAKONAM) LTD.,
KUMBAKONAM.

2 THE GENERAL MANAGER
TAMIL NADU STATE TRANSPORT CORPORATION (KUMBAKONAM) LTD.,
NAGAPATTINAM REGION, NAGAPATTINAM.

... Respondents in WP(MD). 23343/ 2016



1 THE MANAGING DIRECTOR,
TAMIL NADU STATE TRANSPORT CORPORATION (KUMBAKONAM) LTD.,
KUMBAKONAM.

2 THE GENERAL MANAGER
TAMIL NADU STATE TRANSPORT CORPORATION (KUMBAKONAM) LTD.,
TRICHY REGION, TRICHY.

... Respondents in WP(MD). 3683/ 2017

1 THE MANAGING DIRECTOR,
TAMILNADU STATE TRANSPORT CORPORATION (KUMBAKONAM) LTD,
KUMBAKONAM.

2 THE GENERAL MANAGER OF
TAMILNADU STATE TRANSPORT CORPORATION (KUMBAKONAM) LTD,
TRICHY REGION, TRICHY.

... Respondents in WP(MD). 21423/ 2017

1 THE MANAGING DIRECTOR
TAMILNADU STATE TRANSPORT CORPORATION (MADURAI) LTD.,
MADURAI

2 THE GENERAL MANAGER
TAMILNADU STATE TRANSPORT CORPORATION (MADURAI) LTD.,
DINDIGUL REGION, DINDIGUL

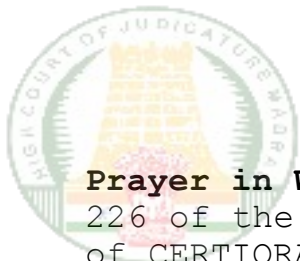
... Respondents in WP(MD). 4441/ 2017

1 THE TAMIL NADU STATE TRANSPORT CORPORATION (MADURAI) LTD.,
REP. BY ITS MANAGING DIRECTOR, MADURAI.

2 THE GENERAL MANAGER,
THE TAMIL NADU STATE TRANSPORT CORPORATION (MADURAI) LTD.,
MADURAI REGION, MADURAI.

... Respondents in WP(MD). 4018/ 2019

1 THE MANAGEMENT OF
TAMILNADU STATE TRANSPORT CORPORATION (KUMBAKONAM) LTD,
PUDUKKOTTAI REGION, REP.BY ITS GENERAL MANAGER, PUDUKKOTTAI.



Prayer in WP(MD). 14681/ 2015 : Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of CERTIORARIFIED MANDAMUS calling for the records pertaining to the order dated 24.07.15 passed by the respondent in Ref.ONa Thu/D2/SIP/1195 quash the same and consequently to direct the respondent to treat the period from 25.08.14 to 15.09.14 as duty period of the petitioner with pay for all purpose.

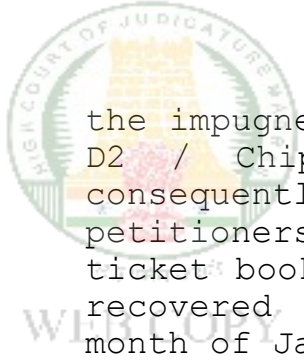
Prayer in WP(MD). 23343/ 2016 : Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus after calling for the record pertaining to the orders in Ref.TNSTC/T11/Na/321/2015 dated 30.12.15 of the 2nd respondent, quash the same and consequently to direct the 2nd respondent to return the amount already deducted from the wages of the petitioner from the month of January, 2016 to him with 18% interest per annum, award cost.

Prayer in WP(MD). 3683/ 2017 : Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, after calling for the records pertaining to the orders in Ref. TNSTC/Kumba/Trichy/T6/6280/2015 dated 15.03.2016 of the 2nd Respondent and in Ref.TNSTC/Kumba/Trichy/T6/6280/2015 dated 03.08.2016 of the 1st Respondent, quash the same and consequently to direct the 2nd Respondent to return the amount already deducted from the wages of the petitioner pursuant to the impugned orders to him with 18% interest per annum, award cost.

Prayer in WP(MD). 21423/ 2017 : Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of Declaration declaring that the action of the 2nd Respondent in recovering Rs.25,568/- from the petitioner for the loss of ticket books in his duty on 28.12.16 as illegal, and consequently to direct the 2nd Respondent to return the amount to him with 18% interest per annum and to treat the period from 30.12.16 to 05.01.17 as his duty period for all purpose by paying all benefits including wages.

Prayer in WP(MD). 4441/ 2017 : Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus after calling for the records pertaining to the order of the 2nd respondent in Ref. 1.D8D2/0412 dated 31.05.2016, quash the same and consequently to direct the 2nd respondent to refund the amount already recovered from the monthly wages of the petitioner pursuant to the impugned order and to further direct the 2nd respondent to treat the period from 25.01.2016 to 04.02.2016 as his duty period for all purpose and to pay him wages for the same, award cost.

<https://hccourts.mv.wcsqmds/>
Prayer in WP(MD). 4018/ 2019 : Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to



the impugned order passed by the 2nd respondent in Ref.Noi. ONaThu / D2 / Chip / 1768 dated 14.12.2018 and quash the same and consequently to forebear the respondents from recovering from the petitioners salary towards a sum of Rs. 79,623 for the loss of ticket book and direct the 2nd respondent to return petitioner the recovered amount of Rs. 6635 from the petitioners salary in the month of January, 2019

Prayer in WP(MD). 5448/ 2019 : Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondent to refund the entire amount recovered from the petitioner for the loss of ticket books entrusted with him in his duty, due to theft on 30/04/2018 and to treat the period from 02/05/2018 to 01/06/2018 as his duty period for all purpose and to pay him wages.

For Petitioners : Mr.S.Arunachalam
WP(MD)Nos.14681 of 2015, 23343 of 2016, 3683, 21423 and 4441 of 2017, 5448 of 2019

: Mr.K.Saravanan,
WP(MD)Nos.4018 of 2019.

For Respondents : Mr.A.Jeyaram, Standing Counsel for TNSTC
WP(MD)Nos.14681 OF 2015 AND 4441 OF 2017

: Mr. D.Sivaraman, Standing Counsel for TNSTC
WP(MD)Nos.23343 of 2016, 3683, 21423 of 2017
and 5448 of 2019.

: Mr. A.P.Muthupandian,
Standing Counsel for TNSTC - WP(MD)No.4018 OF 2019

COMMON ORDER

These Writ Petitions have been filed seeking to quash the orders impugned herein passed by the respective respondents with consequential direction.

2.The learned Counsel appearing for the petitioners submitted that the issue involved in this writ petition has already been decided by this Court in W.P.No.23395 of 2003, dated 08.01.2013.

3.The relevant portion of the above said order is extracted hereunder:

".....The issue involved in this Writ Petition has come up before this Court in an earlier occasion in Managament of Rani Mangammal Transport Corporation Vs. M.Palanisamy, (2008)1 MLJ, 224 and the Hon'ble Division Bench has held



as follows:

"4..... Therefore, if such was the contemplation of the appellant Corporation, in adopting such a course of holding an enquiry, in respect of the loss of unused ticket books is reported, we are of the view that the very purpose would be defeated if the recovery of the value of unused ticket books is automatically made whenever loss is reported. In fact, subsequently, in 1995 settlement namely Clause 29 of the said Settlement makes it clear that in the event of loss of ticket books is reported by way of complaint to the police and such loss had occurred due to accident, theft or robbery, no recovery should be made from the concerned Conductor. The same point of view was very much existing in the earlier proceedings when the appellant Corporation prescribed the procedure of holding an enquiry, wherever loss of ticket books are reported."

In W.P.No.9686 of 2011, the said decision was followed and the writ petition was allowed by the learned Single Judge of this Court by order dated 23.06.2011 and the respondent filed an appeal as against the said order in W.A.No.1122 of 2012 which was dismissed by the Hon'ble I Bench of this Court on 18.07.2012.

4. In that view of the matter, the legal issue having been settled by the aforementioned decisions, the impugned order is held to be unsustainable. Writ Petition is allowed. No costs. Connected miscellaneous petition is closed. If any amount has been recovered from the petitioner, the same shall be recredited to the petitioner along with the petitioner's salary within a period of three months."

4.The learned Standing Counsel appearing for the respective respondents have also not disputed the same.

5.Considering the facts and circumstances of the case and having regard to the submissions made by the learned Counsel on either side and also following the order passed in W.P.No.23395 of 2003, dated 08.01.2013, these writ petitions are allowed by setting aside the orders impugned herein. If any amount has been recovered



form the petitioners the same shall be re-credited to the petitioners A/c along with their salary within a period of three months from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petitions are closed.

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Sd/-

Assistant Registrar (CS II)

// True Copy //

Sub Assistant Registrar (CS)

dsk

To

- 1 THE GENERAL MANAGER,
MANAGEMENT OF TAMILNADU
STATE TRANSPORT CORPORATION (MADURAI) LTD,
MADURAI REGION, MADURAI.
- 2 THE MANAGING DIRECTOR
TAMIL NADU STATE TRANSPORT CORPORATION (KUMBAKONAM) LTD.,
KUMBAKONAM.
- 3 THE GENERAL MANAGER
TAMIL NADU STATE TRANSPORT CORPORATION (KUMBAKONAM) LTD.,
NAGAPATTINAM REGION, NAGAPATTINAM.
- 4 THE GENERAL MANAGER
TAMIL NADU STATE TRANSPORT CORPORATION (KUMBAKONAM) LTD.,
TRICHY REGION, TRICHY.
- 5 THE MANAGING DIRECTOR
TAMILNADU STATE TRANSPORT CORPORATION (MADURAI) LTD.,



6 THE GENERAL MANAGER

TAMILNADU STATE TRANSPORT CORPORATION (MADURAI) LTD.,
DINDIGUL REGION, DINDIGUL

7 THE GENERAL MANAGER, MANAGEMENT OF

TAMILNADU STATE TRANSPORT CORPORATION (KUMBAKONAM) LTD,
PUDUKKOTTAI REGION, PUDUKKOTTAI.

6CC'S TO MR. S. ARUNACHALAM, ADVOCATE SR 58956 TO 58960 AND 58963

4CC TO MR. D. SIVARAMAN, ADVOCATE SR 58672 TO 58675

1CC TO MR. V. MANIKANDAN, ADVOCATE SR 59459

KK

02/05/2019

7P 19C

WP(MD)Nos.14681 of 2015,
23343 of 2016, 3683,
21423 and 4441 of 2017,
4018 and 5448 of 2019

03.04.2019