



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.12.2019

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD)No.10922 of 2019

and

W.M.P. (MD)No.8354 of 2019

J.Abiraham Koyilraj

... Petitioner

/vs./

1. The State Express Transport Corporation (Tamil Nadu) Ltd.,
Represented by its Managing Director,
Pallavan Salai, Chennai - 02.
 2. The General Manager,
The State Express Transport Corporation (Tamil Nadu) Ltd.,
Pallavan Salai, Chennai - 02.
 3. The Branch Manager,
The State Express Transport Corporation (Tamil Nadu) Ltd.,
Thoothukudi Branch, Thoothukudi.
- ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Declaration, declaring the action of the respondents in imposing "ticket book recovery" of Rs.1,43,100/- on the petitioner towards face value of unused / unsold missing tickets as illegal and arbitrary and forbear the respondents from making any recovery from his salary to the tune of Rs.1,43,100/- towards face value of the unsold missing tickets.

For Petitioner : Mr.A.Rahul
For Respondents : Mr.K.Sathiya Singh
Standing Counsel

ORDER

The petitioner herein is a Conductor in Thoothukudi Branch of respondent Corporation. On 07.02.2019, the bus ticket bundles worth of Rs.1,43,102/- [Rupees One Lakh Forty Three Thousand One Hundred and Two only] came to be missing in the bus, in which he was assigned duty. Hence, he had given a complaint before concerned jurisdictional police, which came to be acknowledged through a CSR bearing No.85/19 dated 08.02.2019.



2. It is stated that from the Month of March, 2019 onwards, the respondent Corporation had been deducting portions of the total amount of the ticket value to the tune of Rs.1,43,102/- on monthly installments. Aggrieved against the same, present writ petition has been filed.

3. An identical issue came up for consideration before this Court in a writ petition being W.P.(MD)No.794 of 2017 in the case of *V.Varadharajan vs. Tamilnadu State Transport Corporation (Madurai) Ltd.* By an order dated 21.02.2017 in W.P.(MD)No.794 of 2017, it was held as follows:

'2.The petitioner joined the services as Conductor on 21.09.2009 in the respondent corporation and he was promoted as Senior Grade Conductor. As there was no specific provision to keep the unused tickets safely, he kept the same in his Bag and it was stolen. For the monetary loss of the value of the tickets, the respondent have initiated action and passed the impugned order that the amount of Rs.61,923/- which is assessed towards the value of unused tickets, would be recovered in twelve installments that is the subject matter of this writ petition.

3.In support of his contention, the learned counsel for the petitioner relied on a decision reported in 2008 (1) MLJ 224, *Management of Rani Mangammal Transport Corporation Ltd., vs. M.Palanisamy*, wherein it has been held that when the loss of bus ticket books was not due to any negligence on the part of the bus conductor, no amount can be recovered from him.

4.Pursuant to the loss of tickets, the petitioner reported the same to the Branch Manager and also filed a police complaint dated 12.10.2016 to Anna Nagar Police Station and the Police issued a certificate stating that the unused tickets could not be traced out. Therefore, it is clear that there was no negligence on the part of the petitioner in respect of the loss of unused tickets. Hence, the above judgment is squarely applicable to the facts of this case.

5.Accordingly, this Writ Petition is allowed and the impugned order dated 22.12.2016 in respect of recovery of Rs.61,923/- from the petitioner towards the value of unused tickets, alone is set aside. However, the respondent can collect the cost of printing of those unused



tickets, from the petitioner. No costs. Consequently, connected miscellaneous petition is closed.'

4. In the instant case also, soon after the petitioner had lost the tickets, he had lodged a police complaint and the same was pending. By applying the ratio laid down in the aforesaid order of this Court, it would be held that the action of the respondent Corporation could be termed as unjustified.

5. It is also submitted by the learned counsel for the petitioner that with regard to the deductions made in the monthly salaries, no prior notice calling for explanation from the petitioner was given. As such, the action of deducting the value of the lost tickets in monthly installments is violation of principles of natural justice also.

6. For the foregoing reasons, I do not find any justifiable reason on the action taken by the respondent Corporation in deducting the value of the lost tickets from and out of the petitioner's salary. Accordingly, the respondents herein are hereby injuncted from recovering the value of lost tickets to the tune of Rs.1,43,102/- from and out of the petitioner's salary or any other monetary benefits. Consequently, the respondents shall also refund the amount already recovered from the month of March, 2019 as part refund of the total amount of Rs.1,43,102/-.

7. It is open to the respondent Corporation to collect the cost of printing the lost tickets after substantiating as to how they had arrived at with regard to quantum of amount that could have been spent for printing charges to the petitioner, for which purpose the petitioner should also be given due opportunity to put forth his objections. This Writ Petition is ordered accordingly. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar (AD-II)

/True Copy/

Sub Assistant Registrar

+1 CC to M/s.A.RAHUL, Advocate (SR-104086[F] dated 09/12/2019)
+1 CC to M/s.K.SATHYASINGH, Advocate (SR-104479[F] dated 11/12/2019)

SM

TE : 03/01/2020 : 3P/3C

Order made in
W.P. (MD) No.10922 of 2019
Dated:
09.12.2019