



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.11.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P.(MD)No.18636 of 2019

and

W.M.P(MD)Nos.15003 & 15004 of 2019

WEB COPY

P.Tamilselvam

... Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
Kumbakonam,
Thanjavur District.

2.The General Manager,
Tamil Nadu State Transport Corporation,
Maruthapathi,
Managiri,
Karaikudi Region,
Sivagangai District.

3.The Assistant Manager,
Tamil Nadu State Transport Corporation,
(Kumbakonam) Ltd.,
Karaikudi Region,
Maruthapathi,
Managiri,
Sivagangai District.

... Respondents

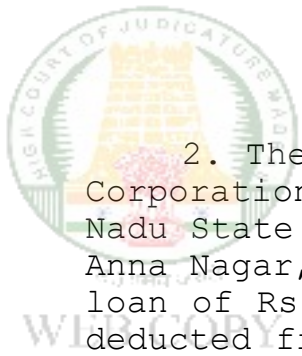
PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbearing the respondents from recovering any amount from the petitioner's monthly salary and also direct the respondents to refund the recovered amount to the petitioner.

For Petitioner : Mr.V.Manikandan

For Respondents : Mr.P.Balasubramanian

ORDER

This writ petition is filed to forbear the respondents from recovering any amount from the petitioner's monthly salary and also direct the respondents to refund the recovered amount to the petitioner.



2. The petitioner is working as driver in the second respondent Corporation. The petitioner is the member of the R.D.145, Tamil Nadu State Transport Employees' Co-operative Credit Society Limited, Anna Nagar, Koviloor, Karaikudi, Sivagangai District and has taken a loan of Rs.1,00,000/- from the society. The monthly instalment was deducted from the salary of the petitioner by the second respondent and paid to the society. The loan amount was completely closed by payment of last instalment in December, 2013. From January 2014 onwards the respondents paid full salary to the petitioner without any deduction till April, 2017. While so, the respondents started deducting Rs.3,300/- every month from the salary of the petitioner from May 2017, without issuing any notice to the petitioner and without any order quantifying the order of recovery. When the petitioner sought for clarification from the Management, the petitioner was informed that by mistake, deductions are made and the same will be rectified. The petitioner was assured that no further deduction would be made and amount deducted from the salary of the petitioner would be refunded to him. Despite of giving such assurance, the second respondent is continuing to deduct the amount every month. Therefore, the petitioner gave a representation dated 27.06.2019 to the respondents. But, sofar The respondents have not passed any orders on the representation. Hence, the petitioner has come out with the present writ petition.

3. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondents and perused the materials available on record.

4. From the materials on record and the contention of the learned counsel for the petitioner, it is seen that there is no order quantifying the amounts to be recovered from the salary of the petitioner and no notice was issued to the petitioner before deducting the amount. The petitioner is not given any opportunity to put forth his case. According to the learned counsel for the petitioner, entire loan amount was paid to the society by deducting the monthly instalments from the salary of the petitioner and accordingly, the petitioner was paid entire salary from January 2014 till April 2017. According to the learned counsel for the petitioner, no amount is due to the society and respondents have not paid any excess amount to the petitioner.

5. In view of the above, the respondents are directed to refund the amount already deducted and stop further deduction from the salary of the petitioner. It is made clear that if any amount is due and payable by the petitioner, it is always open to the respondents to issue notice to the petitioner and give opportunity to him to put forth his case and pass orders in accordance with law.



6. With the above observation, the writ petition is allowed.
No costs. Consequently, connected miscellaneous petitions are closed.

WEB COPY

// True Copy //

Sd/-

Assistant Registrar (CS-III)

Sub Assistant Registrar(CS)

Am

To

1.The Managing Director,
Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
Kumbakonam,
Thanjavur District.

2.The General Manager,
Tamil Nadu State Transport Corporation,
Maruthapathi,
Managiri,
Karaikudi Region,
Sivagangai District.

3.The Assistant Manager,
Tamil Nadu State Transport Corporation,
(Kumbakonam) Ltd.,
Karaikudi Region,
Maruthapathi,
Managiri,
Sivagangai District.

+1 CC to Mr.P.BALASUBRAMANIAN, Advocate (SR-98896[F] dated 18/11/2019)

+1 CC to Mr.V. MANIKANDAN, Advocate (SR-99314[F] dated 19/11/2019)

W.P. (MD)No.18636 of 2019

15.11.2019

MK (13.12.2019) 3P 6C