



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

WEB COPY

W.P. (MD) No.61 of 2014

and

M.P. (MD) No.1 of 2014

R.Jeyaraj

... Petitioner

vs.

1.The Managing Director

Tamilnadu State Transport Corporation (Madurai) Ltd.,
Bye Pass Road, Madurai-16

2.The General Manager

Tamilnadu State Transport Corporation (Madurai) Ltd.,
Dindugal Region, Bye Pass Road
Dindigul-4

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of certiorarified mandamus calling for the records connected with the impugned order passed by the 2nd respondent in his proceeding Parvai Sa.Du.A1 7308 dated 10.10.2013 and quash the same and consequently direct the respondent to stop the recovery of money towards the loss of alleged value of Ticket Books from the petitioner's monthly salary and to refund the amount already recovered.

For Petitioner : Mr.S.Govindan

For Respondents : Mr.A.Jeyaram

ORDER

The order of recovery, in proceedings dated 10.10.2013, issued by the second respondent, to recover the financial loss caused by the writ petitioner on account of the theft of unused tickets and collection amount, is under challenge in the present writ petition.

2. The writ petitioner is working as Conductor in the respondent Transport Corporation. The writ petitioner was performing his duty as Conductor on 22.03.2013, in the bus bearing registration No.TN57 N1809. During his trip from Vedasendur to Kumuli, the bus was stopped at Dindigul Bus Stand for breakfast. The writ petitioner states that he kept the cash bag containing ticket books and collection amount in the Conductor seat and took breakfast in the nearby seat along with the driver. The writ petitioner further states that after taking breakfast, when he came

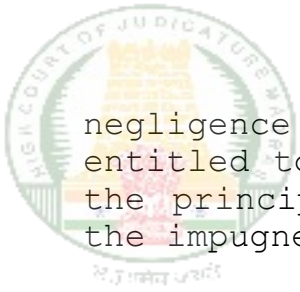


back to the conductor seat, the cash bag was found missing. Immediately, the writ petitioner gave a police complaint on 22.03.2013, before Sub-Inspector of Police, Town North Police Station, Dindigul. The Sub-Inspector of Police, on receipt of the complaint, gave a receipt bearing No.143/2013. Under these circumstances, the respondent / Transport Corporation initiated action against the writ petitioner. A show-cause notice was issued on 07.09.2013 and an enquiry was conducted by the competent authority and thereafter, an order of punishment was imposed imposing penalty of two months increments cut and recovery of Rs.50,691/- in respect of the missing cash bag, which was said to have been stolen at Dindigul Bus Stand.

3. The learned counsel for the writ petitioner states that the writ petitioner was diligently performing his duty. He kept the cash bag containing the unused ticket books and the collection amount, in the conductor seat and it was a case of theft and therefore, the writ petitioner cannot be held responsible.

4. The learned counsel appearing for the respondent / Transport Corporation states that the theft was occurred on account of the negligence on the part of the writ petitioner. The writ petitioner was not performing his duties prudently. The conductor, who is on duty, must keep the cash bag in his custody and admittedly, the writ petitioner kept the cash bag in the conductor seat and taken breakfast in the nearby seat along with the driver. This being the facts and circumstances, the enquiry officer came to the conclusion that the theft occurred on account of the negligence on the part of the writ petitioner and accordingly, imposed the punishment as mentioned above in respect of the financial loss caused on account of the negligence on the part of the writ petitioner.

5. This Court is of the considered opinion that the duty of the conductor is to protect the cash bag and therefore, the conductor cannot keep the cash bag somewhere and take breakfast in another place. Such an attitude clearly shows that there was a negligence on the part of the writ petitioner. This apart, it is the duty mandatory on the part of the conductor to handover the unused ticket books as well as the collection amount to the Transport Corporation. If at all there is any financial loss, the Corporation is entitled to recover the same from the conductor, who is responsible and accountable for any such monetary loss. This being the principles to be followed, this Court do not find any acceptable reason for the purpose of interfering with the impugned order of recovery. The order of recovery to make good the financial loss caused to the Transport Corporation cannot be interfered with, unless the writ petitioner is able to establish that there is a strong reason for such theft or otherwise. For instance, in a case of major accident, if the unused ticket books are found missing, then one can understand the difficulty and not in other cases. In the cases where the unused ticket books are stolen on account of the



negligence of the conductor, then the Transport Corporation is entitled to recover the loss amount from the conductor. This being the principles to be adopted, there is no infirmity in respect of the impugned order of recovery.

6. In view of the above, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AE)

/ True Copy /

Sub Assistant Registrar (CS-)

To

1. The Managing Director
Tamilnadu State Transport Corporation (Madurai) Ltd.,
Bye Pass Road, Madurai-16
2. The General Manager
Tamilnadu State Transport Corporation (Madurai) Ltd.,
Dindugal Region, Bye Pass Road
Dindigul-4.

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ES/25.07.2019/3P/3C