



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:11.03.2021

CORAM:

THE HONOURABLE **MR.JUSTICE M.DHANDAPANI**

W.P. (MD)No.5518 of 2017

and

W.M.P. (MD) .Nos.4400 and 4401 of 2017

WEB COPY

Mr.K.Seenivasan

... Petitioner

Vs.

1.The Managing Director,
TNSTC (Madurai) Limited,
Virudhunagar Division,
Madurai.

2.The General Manager,
TNSTC (Madurai) Limited,
Virudhunagar Division,
Virudhunagar.

3.The Branch Manager,
TNSTC (Madurai) Limited,
Virudhunagar Division,
Sivakasi.

... 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 sum of money from the petitioner towards the alleged loss of ticket books and for a consequential direction to the respondents to forthwith return to the petitioner the sum of Rs.25260/- or any other amount that is found to have been recovered from the petitioner.

For Petitioner
For Respondents

: Mr.N.Dilipkumar
: Mr.J.Senthil Kumaraiah
Standing counsel

O R D E R

This writ petition has been filed for issuance of a Writ of Mandamus forbearing the respondents from recovering any amount from the petitioner towards the alleged loss of ticket books and for a direction to the respondents to forthwith return a sum of Rs.25260/- or any other amount that is found to have been recovered from the petitioner.

2. The case of the petitioner is that the petitioner joined as Conductor in the respondent Corporation in the year 1998 and subsequently, he was promoted as Section Grade Conductor in the year 2015. While he was working as Conductor in the bus bearing



Registration No.TN 67 N 0903, his handbag together with its belongings including ticket book was stolen. Immediately, he lodged a complaint before Ottapidaram Police Station, on 25.07.2016 and the case in Crime No.74 of 2016 was registered on 04.08.2016, for the offence under Section 379 of I.P.C. Thereafter, a charge memo was issued against the petitioner on 01.08.2016 and he was placed under suspension on 27.07.2016. Subsequently, the order of suspension was revoked on 03.08.2016. However, without conducting any enquiry, the respondents have started to recover a sum of Rs.62,739/- from his monthly salary. Hence, the petitioner has filed the present writ petition with the aforesaid prayer.

3. It appears that while entertaining the writ petition, this Court has granted interim injunction against the said recovery.

4. The learned Standing counsel appearing for the respondents would submit that after issuing charge memo against the petitioner, the respondent Corporation issued severe warning on 21.11.2016 and thereafter, they passed the recovery order on 15.04.2017.

5. It appears that the order of recovery was not served on the petitioner. However, I am not inclined to grant the relief sought for in this writ petition and liberty is granted to the petitioner to challenge the recovery order dated 15.04.2017. If the order of recovery is not served on the petitioner, the respondent Corporation is directed to serve a copy of the order to the petitioner, to enable him to file an appeal before the appropriate authority or any other forum, in the manner known to law. Till the decision is taken, the interim injunction granted by this Court is continued. This Writ Petition is disposed of accordingly. No costs. Consequently, the connected Miscellaneous Petition No.4401 of 2017 is ordered and W.M.P.(MD).No.4400 of 2017 is closed.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

akv

To

1.The Managing Director,
TNSTC (Madurai) Limited,
Virudhunagar Division,
Madurai.

<https://hcservices.ecourts.gov.in/hcservices/>



2.The General Manager,
TNSTC (Madurai) Limited,
Virudhunagar Division,
Virudhunagar.

3.The Branch Manager,
TNSTC (Madurai) Limited,
Virudhunagar Division,
Sivakasi.

+1 CC to M/s.N.DILIP KUMAR, Advocate (SR-10727[F] dated
12/03/2021)

W.P. (MD)No.5518 of 2017
11.03.2021

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KK(08.07.2021) 3P 5C