



WEB COPY



WP No.24501 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14-11-2022

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

WP No.24501 of 2019

A.Balasubramaniam

..

Petitioner

VS.

The Management of
Tamil Nadu State Transport Corporation (Kovai) Ltd.,
Coimbatore Region, Represented by its
Managing Director,
Coimbatore.

..

Respondent

Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondent to refund the amount of Rs.1,60,380/- recovered from the terminal benefits of the petitioner in the name of unimplemented period of increment cut punishment, together with 6% interest per annum.

For Petitioner

: Mr.V.Ajoy Khose



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For Respondent

: Mr.A.Sundaravadhanam

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ORDER

The Writ of Mandamus has been filed directing the respondent to refund the amount of Rs.1,60,380/- recovered from the terminal benefits of the writ petitioner.

2. The petitioner was employed as Conductor in the respondent-Transport Corporation and retired from service on 30.09.2016 on attaining the age of superannuation.

3. The grievance of the writ petitioner is that a sum of Rs.1,60,380/- was recovered from his terminal benefits and such a recovery made after retirement is impermissible with reference to the Standing Orders applicable to the respondent-Transport Corporation.

4. The learned counsel for the petitioner reiterated that such a recovery is directly in violation of the judgment of the Division Bench of this Court and further more, no recovery can be effected after the retirement of an



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employee. However, the issues disputed are to be adjudicated.

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5. In the present case, the respondent-Transport Corporation has not even issued show cause notice to the writ petitioner enabling to defend his case. Unilaterally they have withhold a portion of the terminal benefits and in such circumstances, the workman is entitled for an opportunity to defend his case by submitting his explanations or documents or otherwise.

6. Since a portion of the amount of terminal benefits of the writ petitioner had already been withheld and no further orders are passed by the respondent, this Court is of an opinion that the matter is to be reconsidered by the respondent.

7. Accordingly, the respondent is directed to issue a show cause notice setting out all the details regarding the actions taken against the petitioner for the purpose of withholding the terminal benefits and on receipt of the show cause notice, the petitioner is at liberty to submit his representation, setting out all the statements of defence along with the



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documents, if any and thereafter, the respondent-Competent Authority shall decide the matter on merits and in accordance with law and considering the grounds raised by the petitioner in the present writ petition.

8. With the abovesaid liberty, the writ petition stands disposed of. However, there shall be no order as to costs.

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Index : Yes/No.
Internet : Yes/No.
Speaking Order/Non-Speaking Order.
Svn



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To
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The Managing Director,
Management of
Tamil Nadu State Transport Corporation (Kovai) Ltd.,
Coimbatore Region,
Coimbatore.



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S.M.SUBRAMANIAM, J.

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