



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.04.2022

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.3002 of 2021

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S.Ramaraj

... Petitioner

-vs-

1. The Secretary to Government,
Transport Department,
Government of Tamil Nadu,
Secretariat, St. George Fort,
Chennai - 600 009.
2. The Managing Director,
Tamil Nadu State Transport Corporation
(Kumbakonam) Ltd., Railway Station Road,
Kumbakonam-612 001, Thanjavur District.
3. The General Manager,
Tamil Nadu State Transport Corporation
(Kumbakonam) Ltd., Periyamilaguparai,
Trichy.
4. The Finance Adviser and Principal Accounts Officer,
Tamil Nadu State Transport Corporation
(Kumbakonam) Ltd., Railway Station Road,
Kumbakonam-612 001, Thanjavur District.
5. The Administrator,
Tamil Nadu State Transport Corporation
Pension Fund Trust, Thiruvalluvar House,
Pallavan Illam, Chennai-600 002.

... Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Declaration declaring the action of the 2nd and 3rd Respondents in recovering a sum of Rs.66,356/- towards non-implementable punishment of increment cut imposed on the petitioner as illegal, arbitrary and violative of Article 14 of the Constitution of India and direct the 2nd and 3rd Respondents Corporation to settle the amount of Rs.66,356/- to the petitioner with 18% rate of interest within the time frame that may be stipulated by this Court.

For Petitioner :	Mr.N.Sudhagar Nagaraj
For R1 :	Mr.D.Sadiq Raja Additional Government Pleader
For RR2 to 5 :	Mr.D.Sivaraman Standing Counsel



O R D E R

The relief sought for in the present writ petition is to declare that the action of the 2nd and 3rd respondents in recovering a sum of Rs.66,356/- towards non-implementable punishment of increment cut imposed on the petitioner as illegal, arbitrary and violative of Article 14 of the Constitution of India and direct the 2nd and 3rd respondents Corporation to settle the amount of Rs.66,356/- to the petitioner with 18% rate of interest within the time frame.

2. The petitioner was working as Driver in the 2nd respondent-Transport Corporation and retired from service. Disciplinary proceedings were initiated against the petitioner and the petitioner was imposed with punishment of stoppage of increment in five different proceedings and increments for 42 months were cut by way of an order of punishment. The petitioner was dismissed from service and based on the award passed by the Labour Court, he was reinstated.

3. The learned counsel appearing for the petitioner states that the petitioner reached the age of superannuation and allowed to retire from service and therefore, the punishment of stoppage of increment cannot be implemented.

4. The learned counsels appearing for the respondents brought to the notice of this Court that the punishments were issued during various period and the said punishments were unable to be implemented due to the fact that the petitioner was terminated from service. Therefore, the very argument of the petitioner that the amount cannot be recovered is incorrect because the petitioner was terminated from service, the punishment was not implemented and therefore, the authorities have considered the period of service at the time of passing the order of punishment. This apart, the petitioner himself has stated that the amount of punishment was already paid by him. This writ petition is filed seeking refund of the amount of punishment already deposited.

5. This being the factum, this Court is of the considered opinion that the punishment imposed became final and the petitioner has not challenged the punishment of stoppage of increment issued in five different proceedings and further, the petitioner was dismissed from service and in view of such dismissal, the said punishments were unable to be implemented. Beyond all, the petitioner had already deposited the amount of punishment and therefore, the relief as such sought for cannot be considered and the writ petition is liable to be dismissed.



6. Accordingly, this Writ Petition stands dismissed.
However, there shall be no order as to costs.

Sd/-

Assistant Registrar (CO)

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Sub Assistant Registrar (CS)

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To

1. The Secretary to Government,
Transport Department, State of Tamil Nadu,
Secretariat, St. George Fort, Chennai - 600 009.
2. The Managing Director,
Tamil Nadu State Transport Corporation
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5. The Administrator,
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Pension Fund Trust, Thiruvalluvar House,
Pallavan Illam, Chennai-600 002.

+1 CC to M/s.D. SIVARAMAN, Advocate (SR-16802[F] dated 06/04/2022)

+1 CC to M/s.SPL.GP (SR-17043[F] dated 06/04/2022)

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