



W.P.No.1444 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.07.2023

CORAM :

THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

Writ Petition No.1444 of 2020

D. Vellaiyammal

... Petitioner

Vs.

1. The Government of Tamil Nadu
Rep. By its Secretary to Government
Transport Department
Secretariat, Chennai 600 009.
2. The Managing Director
Tamil Nadu State Transport Corporation
(Salem) Ltd.,
Salem Division,
No.12, Ramakrishna Road,
Post Box No.713,
Salem – 636 007.
3. The General Manager
Tamil Nadu State Transport
Corporation (Salem) Ltd.,
Salem Division,
No.12, Ramakrishna Road,
Post Box No.713,
Salem – 636 007.
4. The Administrator



W.P.No.1444 of 2020

Tamil Nadu State Transport
Corporation Employees Pension Fund Trust
Thiruvalluvar House,
Pallavan Salai
Chennai 600 002.

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Declaration declaring the action of 2nd and 3rd respondents which having been recovered a sum of Rs.3,89,100/- towards non-implementable punishment of increment cut imposed on the petitioner's husband as illegal, arbitrary and violative of Article 14 of the Constitution of India and consequently direct the respondents to refund her husband's recovered amount of Rs.3,89,100/- to her and settle Gratuity, Arrears of Pension, Commutation of Pension, Social Welfare Fund and other retiral benefits together with 18% interest payable to her with effect from 30.06.2012 within the stipulated time that may be fixed by this Court.

For Petitioner	:	Mr.N.Sudhagar Nagaraj
For Respondent	:	Mr.T.Chezhiyan Additional Government Pleader for R1 Mr.R.Babu Standing Counsel for R2 & R3

ORDER

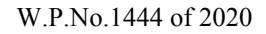
The petitioner has filed this petition for issuance of Writ of Declaration declaring the action of 2nd and 3rd respondents which having been recovered a



W.P.No.1444 of 2020

sum of Rs.3,89,100/- towards non-implementable punishment of increment cut imposed on the petitioner's husband as illegal, arbitrary and violative of Article 14 of the Constitution of India and consequently direct the respondents to refund her husband's recovered amount of Rs.3,89,100/- to her and settle Gratuity, Arrears of Pension, Commutation of Pension, Social Welfare Fund and other retiral benefits together with 18% interest payable to her with effect from 30.06.2012.

2. When the matter is taken up for hearing, the learned counsel appearing for the petitioner submitted that the issue is covered by the decision of this Court dated 26.11.2019 rendered in W.P.No.21762 of 2019, in which the impugned order in respect of increment cut has been quashed. Aggrieved by the order of the learned single Judge, the Transport Corporation preferred W.A.(MD)No.1270 of 2022 dated 15.06.2021 and the order of the learned single Judge was confirmed by the Division Bench of this Court and the writ appeal was dismissed. The learned counsel further cited another decision of this Court rendered in W.P.(MD)No.16524 of 2022 dated 14.09.2022 in which the order passed by the respondent for recovery



WEB COPY

4. With the above direction this writ petition stands allowed. No costs.

dpq
Index : Yes/No
Speaking Order : Yes/No



W.P.No.1444 of 2020

To:

1. The Government of Tamil Nadu
Rep. By its Secretary to Government
Transport Department
Secretariat, Chennai 600 009.
2. The Managing Director
Tamil Nadu State Transport Corporation
(Salem) Ltd.,
Salem Division,
No.12, Ramakrishna Road,
Post Box No.713,
Salem – 636 007.
3. The General Manager
Tamil Nadu State Transport
Corporation (Salem) Ltd.,
Salem Division,
No.12, Ramakrishna Road,
Post Box No.713,
Salem – 636 007.
4. The Administrator
Tamil Nadu State Transport
Corporation Employees Pension Fund Trust
Thiruvalluvar House,
Pallavan Salai
Chennai 600 002.



WEB COPY



W.P.No.1444 of 2020

J. SATHYA NARAYANA PRASAD, J.

dpq

Writ Petition No.1444 of 2020

11.07.2023