



WEB COPY



W.P. No. 7008 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.03.2023

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THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

**W.P. No. 7008 of 2023
and
W.M.P. No. 7101 of 2023**

K.Selvakumar

... Petitioner

-VS-

1. The Managing Director,
Tamil Nadu State Transport Corporation (Salem) Limited,
No. 12, Ramakrishna Road,
Salem-7.

2. The General Manager,
Tamil Nadu Transport Corporation (Salem) Limited,
No. 12, Ramakrishna Road,
Salem-7.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorarified Mandamus, to call for the records of the Second Respondent in Ku. No. 40-4087-T2-TNSTC (Salem)-2020 dated 09.03.2022, and action of the Respondents in recovering Rs. 43,600/- from the Petitioner towards salary quash the same and consequently, direct the Respondents to forthwith pay the Petitioner the recovered amount of Rs. 43,600/- with 12% interest payable from the date on which the above amount is settled to him.



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W.P. No. 7008 of 2023

For Petitioner : Mr. N.Desinghu

For Respondents : Mr. K.Raja, Standing Counsel

ORDER

Heard Mr. N.Desinghu, Learned Counsel for the Petitioner and Mr. K.Raja, Learned Standing Counsel, who takes notice for the Respondents, and perused the materials placed on record, apart from the pleadings of the parties.

2. Though the Writ Petition challenges the Order in Ku. No. 40-4087-T2-TNSTC (Salem)-2020 dated 09.03.2022 passed by the Second Respondent in which it has been informed to the Petitioner that the excess payment of Rs. 43,600/- made to him would be recovered from his salary in two installments, Learned Counsel for the Petitioner submits that after the filing of the Writ Petition, the Petitioner had on 14.06.2022 preferred an appeal against the said order before the First Respondent and he would be satisfied, if the said appeal is directed to be disposed by the concerned authority within the time limit that may be fixed by the Court.



W.P. No. 7008 of 2023

3. Having regard to the limited nature of relief sought, this Court without expressing any view on the correctness or entitlement of the claim made by the Petitioner, passes the following order:-

- (i) the concerned authority shall immediately examine the appeal dated 14.06.2022 preferred by the Petitioner including ascertaining as to whether the Petitioner would be entitled for the relief claimed;
- (ii) if it is found that any other details or supporting documents is necessary, the deficiencies in that regard shall be informed in writing to the Petitioner requiring the same to be furnished within a time frame of not less than 15 days for the same;
- (iii) in the event of not being satisfied with the requirements even thereafter, an enquiry shall be conducted affording full opportunity of personal hearing to the Petitioner and all other persons concerned to explain their position in that regard;
- (iv) a reasoned order shall be passed dealing with each of the contentions raised on merits and in accordance with law and the decision taken communicated by 31.08.2023 under written acknowledgment; and
- (v) the report of such compliance shall be filed before the Registrar (Judicial) of this Court.



W.P. No. 7008 of 2023

In fine, the Writ Petition is disposed on the aforesaid terms.

Consequently, the connected Miscellaneous Petition is closed. No costs.

06.03.2023

kv

Index: Yes/No

Note: Issue order copy by 06.06.2023.

To

1. The Managing Director,
Tamil Nadu State Transport Corporation (Salem) Limited,
No. 12, Ramakrishna Road,
Salem-7.
2. The General Manager,
Tamil Nadu Transport Corporation (Salem) Limited,
No. 12, Ramakrishna Road,
Salem-7.

Copy to

The Registrar (Judicial),
Madras High Court,
Chennai – 600 104.



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P.D. AUDIKESAVALU, J.

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