



W.P.No.12405 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.12.2023

CORAM

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.12405 of 2017
and W.M.P.No.13162 of 2017

G.Ravindran

... Petitioner

Vs.

1.The Managing Director,
Vellore Region,
Villupuram Zone-II,
Villupuram and District.

2.The Branch Manager,
Tamil Nadu State Transport Corporation Ltd.,
Ambur Depot,
Vellore Zone,
Vellore District.

3.The General Manager,
Tamil Nadu State Transport Corporation Ltd.,
Villupuram,
Vellore-9.

... Respondents

[R3 impleaded vide order dated
04.10.2018 made in W.M.P.No.26383
of 2017 in W.P.No.12405 of 2017]



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Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order G:/ABS17/L65fo.Doc dated 02.03.2017 issued by the 3rd respondent and quash the same and consequently to direct the 2nd respondent to return the recovery amount to the petitioner.

[Prayer amended vide order dated
04.10.2018 made in
W.M.P.No.26384 of 2017 in
W.P.No.12405 of 2017]

For Petitioner : Mr.P.Vijendran

For Respondents : Mrs.S.Pavithra
Standing Counsel

ORDER

This Writ Petition has been filed to quash the order of the 3rd respondent dated 02.03.2017 and consequently to direct the 2nd respondent to return the recovery amount to the petitioner.

2.The learned counsel appearing for the petitioner would submit that the petitioner was working as a Conductor in the respondent corporation. While on duty on 25.11.2015, the bus bearing No.TN 23 N 2130 in special route to Thiruvannamalai during Karthigai deepam, the petitioner lost the



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Ticket Book-Bus Ticket Code No.803 37LB 78069 to 78500 (432 Leaf) cost of Rs.22,032/-. Further, the trip is very crowd due to Karthigai Deepam. The petitioner kept the ticket book on his own cotton bag and it rolled and kept nearby the gear box. The ticket book was disappeared and the petitioner searched everywhere but not found. He would submit that the petitioner informed the same to the 2nd respondent on 25.11.2015 and the petitioner gave a complaint to the Inspector of Police, Thiruvannamalai and C.S.R.No.576/2015 dated 30.11.2015 was issued and also the police has given Not Found Certificate dated 14.12.2015. He would further submit that the 2nd respondent has given charge memo dated 16.12.2015 for lost the ticket book and the petitioner gave his explanation on 26.12.2015. For the non satisfactory reply, an Enquiry Officer was appointed and during the enquiry, charges were proved and the petitioner has given his reply to the findings on 10.02.2017 and the same was not considered by the 2nd respondent. Thereafter, the 2nd respondent passed an order on 15.03.2017 that the disappeared tickets worth amount of Rs.22,032/- would be recovered from the salary of the petitioner through 15 installments. Against



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the same, the petitioner filed an appeal before the 1st respondent on 25.03.2017 and the same is pending. During the pendency of the appeal, the 2nd respondent recovered the amount of Rs.1,468/- from the salary of the petitioner and also the petitioner gave a letter to the 1st respondent on 03.04.2017. Further, he would submit that in the year 2000, the respondent dismissed the petitioner from service and the petitioner raised an Industrial Dispute No.97 of 2002 before the Labour Court, Vellore and the Labour Court ordered in favour of the petitioner and against the same, the 2nd respondent filed W.P.No.38971 of 2004 before this Court and the same was dismissed on 10.07.2013. But, the 2nd respondent did not comply with the said order and the petitioner filed a Contempt Petition No.2802 of 2015 against the 2nd respondent. The 2nd respondent has been continuously insisting the petitioner to withdraw the Contempt Petition and the same was refused by the petitioner. Therefore, the 2nd respondent is expecting the right time to revenge the petitioner. Hence, the impugned order dated 02.03.2017 was passed. Against the same, this Writ Petitioner has been filed.



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3.The learned Standing counsel appearing for the respondents would submit that for the misconduct, charge memo was issued on 16.12.2015 and sought for his explanation and for the non- satisfactory reply, domestic enquiry was initiated. After enquiry, following the principles of natural justice, the Enquiry Officer submitted his findings dated 23.01.2017 and thereafter, show cause notice was issued to the petitioner on 31.01.2017 and sought for his explanation. For the non satisfactory explanation dated 10.02.2017 for the negligent act of the petitioner, final order was passed on 02.03.2017. She would submit that the order dated 02.03.2017 is to recover a sum of Rs.22,032/- every month in 15 installments in order to implement the order for loss of ticket book and the amount was recovered from March 2017 to October 2017 for 8 months (Rs.1468/- per month). Aggrieved by the order dated 02.03.2017, the present writ petition is filed by the petitioner and obtained interim stay in W.M.P.No.13162 of 2017 dated 11.10.2017 and it is made absolute by an order dated 16.11.2017. She would further submit that in view of the interim staty granted by this Court, the recovery amount was stopped from the petitioner's salary from November 2017 with



an outstanding balance of Rs.10,288/-.

4.Heard the learned counsel appearing on either side and perused the material on record.

5.On a perusal of the records, it is seen that the 2nd respondent has given charge memo dated 16.12.2015 for the lost of ticket book and the petitioner gave his explanation on 26.12.2015. After enquiry, charges were proved and the petitioner has given his reply to the findings of the Enquiry Officer on 10.02.2017 and the same was not considered by the 2nd respondent. Thereafter, the 2nd respondent passed an order on 15.03.2017 that the disappeared tickets worth of Rs.22,032/- would be recovered from the salary of the petitioner through 15 installments. Against the same, the petitioner has filed an appeal before the 1st respondent on 25.03.2017 and the same is now pending. Thereafter, the amount was recovered by the 2nd respondent from March 2017 to October 2017 for 8 months. Aggrieved over the recovery proceedings, the petitioner obtained interim stay in W.M.P.No.13162 of 2017 dated 11.10.2017 and it was made absolute by



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order dated 16.11.2017. In view of the interim stay granted by this Court, the recovery proceeding was stopped from November 2017 with an outstanding balance of Rs.10,288/-.

6.In view of pending appeal before the 1st respondent, this Court directs the 1st respondent to dispose of the appeal, after affording opportunity to the petitioner to let in evidence in accordance with law within a period of four weeks from the date of receipt of a copy of this order. Recovery can be done after the outcome of the appeal, if the respondents succeed.

Accordingly, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

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Index : Yes/No
Speaking order: Yes/No
Neutral citation: Yes/No
mps

V.BHAVANI SUBBAROYAN, J.
mps

To:

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