



W.P(MD)No.7520 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.04.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.7520 of 2023

M.Ashok

... Petitioner

Vs

1.The Managing Director,
Tamil Nadu State Transport
Corporation (Kumbakonam) Limited,
TNSTC Head Office,
No.27, Railway Station New Road,
Kumbakonam.

2.The General Manager,
Tamil Nadu State Transport
Corporation (Kumbakonam) Limited,
Pudukottai Region,
Thirumayam Road,
Pudukottai.

... Respondents

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 charge memo issued by the second respondent in TNSTC/PUD/DS-3323/Mis023/D1-68/2023 dated 28.1.2023 and quash the same and consequently to direct the respondents to return the amount already deducted from the wages of the petitioner, with appropriate interest.



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For Petitioner : Mr.SP.Vijay Nivas

For Respondents : Mr.K.Jagadees Balan
Standing Counsel

ORDER

Heard the learned counsel on either side.

2. The petitioner is employed as Conductor in the respondent Corporation. On 28.01.2023, at around 09.00 p.m when he was on duty, he is said to have lost the ticket book. In this regard, the Department recovered the value covered by the ticket book to the tune of Rs.10,000/- (Rupees Ten Thousand only). Notwithstanding the same, the impugned charge memo dated 28.01.2023 has also been issued.

3. The learned counsel appearing for the petitioner draws my attention to the order dated 06.03.2019 made in W.P(MD)No.5001 of 2017 (*S.Somasundaram Vs The Managing Director & Another*). A learned Judge of this Court had held that the Management can only recover the printing charges alone and not the value covered by the ticket book. The said decision is squarely applicable to the case on hand.

4. The respondents are directed to deduct the printing charges alone and



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refund the balance amount to the petitioner herein. However, the disciplinary action initiated against the petitioner cannot be interfered with. The petitioner is expected to be vigilant and careful. If he had been negligent, the authority is entitled to deal with the delinquent departmentally. With this liberty to the Management and with the aforesaid direction, this writ petition is disposed of. There shall be no order as to costs.

27.04.2023

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
MGA

To

1.The Managing Director,
Tamil Nadu State Transport
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TNSTC Head Office,
No.27, Railway Station New Road,
Kumbakonam.

2.The General Manager,
Tamil Nadu State Transport
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G.R.SWAMINATHAN, J.

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