



W.P.(MD)No.9144 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.04.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.9144 of 2023

K.Gunasekaran

... Petitioner

Vs

1.The Government of Tamil Nadu
Represented by its Secretary to Government,
Transport Department,
Fort St.George,
Chennai – 600 009.

2.The Managing Director,
Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
Kumbakonam,
Tanjore District.

3.The General Manager,
Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
Trichy Region,
Periyamilaguparai,
Trichirappalli.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India
praying to issue a Writ of Declaration, declaring the action of the respondents 2



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and 3 which had recovered a sum of Rs.1,09,200/- towards non-implementable punishment imposed on the petitioner as illegal, arbitrary and violative of Article 14 of the constitution of India and consequently direct the respondents to refund the petitioner the recovery amount of Rs.1,09,200/- along with 6 percentage per annum within the stipulated time that may be fixed by this Court.

For Petitioner : Mr.N.Sudhagar Nagaraj

For Respondents : Mr.K.Balasubramani
Special Government Pleader for R.1

Mr.K.Jagadees Balan
Standing Counsel for R.2 & R.3

ORDER

Heard the learned counsel on either side.

2. The petitioner retired from service on 30.09.2020. The impugned order came to be passed for enforcing unimplemented increment cut. It has been held time and again that such orders cannot be passed. My attention is drawn to the order dated 15.06.2021 passed by the Hon'ble Division Bench in W.A.(MD)No.1272 of 2020. The case on hand is squarely covered by the aforesaid decision. The impugned order is set aside. The respondents shall refund the withheld amount. If the respondents refund the said amount within twelve weeks from the date of receipt of a copy of this order, it will not carry



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interest. If the respondents fail to make refund within twelve weeks, the respondents will have to pay interest from the date of the petitioner's retirement.

3. The Writ Petition is allowed on these terms. There shall be no order as to costs.

20.04.2023

Index : Yes / No

Internet : Yes / No

NCC : Yes / No

MGA

To

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G.R.SWAMINATHAN, J.

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