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W.P.(MD)NO.8730 OF 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.06.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.8730 of 2023

T.Neelameham

... Petitioner

Vs.

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

2. The Managing Director,
Tamil Nadu State Transport Corporation (KMB) Ltd.,
Kumbakonam,
Thanjavur District.

3. The General Manager,
Tamil Nadu State Transport Corporation (KMB) Ltd.,
Trichy Region, Periyamilaguparai,
Tiruchirappalli.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Declaration, declaring the action of 2nd and 3rd respondents which had recovered a sum of Rs. 21,569/- 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.21,569/- along with 6% per annum within the stipulated time that may be fixed by this Court.

For Petitioner : Mr.N.Sudhagar Nagaraj
For R-1 : Mr.A.K.Manikkam,
Special Government Pleader.
For R-2 & R-3 : Mr.K.Jagadeesbalan,
Standing Counsel.

* * *

ORDER

Heard the learned counsel on either side.

2. The writ petitioner served the respondent Corporation as Selection Grade Conductor. He reached the age of superannuation on 30.04.2013. A sum of Rs.21,569/- was withheld by treating it as non-implementable punishment imposed on the petitioner. Seeking declaration that the said withholding is illegal and for directing the management to pay the same, the present writ petition has been filed.



3. The case on hand is squarely covered by the order dated **12.07.2017** passed by Hon'ble Division Bench in ***W.A.(MD)Nos.886 and 887 of 2017***. Since the petitioner has approached the Court belatedly, the question of paying interest will not arise. The respondent management is directed to pay the withheld amount of Rs.21,569/- within a period of eight weeks from the date of receipt of a copy of this order. I make it clear that the management should not apply for extension of time.

4. This writ petition stands partly allowed. No costs.

05.06.2023

NCS : Yes / No
Index : Yes / No
Internet : Yes / No
PMU

To:

1. The Secretary to Government,
Transport Department, Fort St. George, Chennai – 600 009.
2. The Managing Director,
Tamil Nadu State Transport Corporation (KMB) Ltd.,
Kumbakonam, Thanjavur District.
3. The General Manager,
Tamil Nadu State Transport Corporation (KMB) Ltd.,
Trichy Region, Periyamilaguparai,
Tiruchirappalli.



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G.R.SWAMINATHAN,J.

PMU

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