



W.P(MD)No.8919 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.06.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.8919 of 2023

Sholar R.Selvin

... Petitioner

Vs

The Management of
Tamil Nadu State Transport Management
(Tirunelveli) Ltd.,
Represented by its Managing Director,
Tirunelveli.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondent to refund the amount of Rs.1,70,319/- recovered from terminal benefits of the petitioner as towards the value of un-effected punishment of increment cut, together with 6% interest per annum.

For Petitioner : Mr.S.Arunachalam

For Respondent : Mr.D.Jebaraj
Standing Counsel

ORDER

Heard the learned counsel on either side.



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2. The petitioner retired from service on 30.06.2019. The impugned order came to be passed for enforcing unimplemented punishment of 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.1270 of 2020 (State Express Transport Corporation (Tamil Nadu) Ltd., Vs. G.Senthil). The case on hand is squarely covered by the aforesaid decision. The impugned order is set aside. The respondent shall refund the withhold amount. If the respondent refunds the said amount within twelve weeks from the date of receipt of a copy of this order, it will not carry interest. If the respondent fails to make refund within twelve weeks, the respondent will have to pay interest from the date of the petitioner's retirement. The impugned order is set aside.

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

30.06.2023

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



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To

The Managing Director,
Management of Tamil Nadu State Transport Management
(Tirunelveli) Ltd.,
Tirunelveli.



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G.R.SWAMINATHAN, J.

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