



W.P(MD)No.8937 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.04.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.8937 of 2023

and

W.M.P.(MD)No.8130 of 2023

R.Murugan

... Petitioner

Vs.

The Management of
Tamil Nadu State Transport Corporation (Madurai) Ltd.,
Dindigul Region,
Rep. By its Managing Director,
Dindigul.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order of the respondent dated 23.11.2019 passed in Reference: CES/DGL/RO/E10/ 305, quash the same and consequently, direct the respondent to settle all the terminal benefits of the petitioner without making recovery of the amount of Rs.3,06,343/- towards uneffected increment cut punishments together with 6% interest p.a., award cost.

For Petitioner : Mr.S.Arunachalam

For Respondent : Mr.S.Raja
Standing Counsel



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ORDER

Heard the learned counsel on either side.

2. The petitioner retired from service on 30.04.2017. 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.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. No costs. Consequently, connected miscellaneous petition is closed.

19.04.2023

Index : Yes / No
Internet : Yes/ No



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G.R.SWAMINATHAN, J.

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