



WEB COPY



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **08.08.2023**

CORAM:

**THE HONOURABLE MR.JUSTICE S.S.SUNDAR
AND
THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRVARTHY**

**W.A(MD)NO.1278 OF 2023
and
C.M.P(MD)No.9597 of 2023**

The Management of Tamil Nadu State
Transport Corporation(Madurai)Limited,
Dindigul Region,
represented by its General Manager,
Dindigu.

:Appellant/Respondent

.VS.

S.Venugopal

: Respondent/Petitioner

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent
praying this Court to set aside the order passed by this Court in
W.P(MD)No.19741 of 2018, dated 30.01.2020.

For Appellant

:Mr.J.Senthil Kumaraiah

JUDGMENT

[Judgment of the Court was made by **S.S.SUNDAR,J.**]

This Writ Appeal is directed against the order passed by the
learned Single Judge in W.P(MD)No.19741 of 2018, dated
30.01.2020, allowing the Writ Petition filed by the respondent/Writ



Petitioner for issuance of a Writ of Mandamus directing the respondent therein to refund the amount of Rs.2,04,360/- recovered from the terminal benefits of the Petitioner in the name of recovery towards increment cut together with 18% interest per annum.

2. Heard the learned counsel for the appellant and the Writ appeal is taken up for disposal at the admission stage itself.

3. It is not in dispute that the Writ Petitioner retired from service on 30.06.2013. About 1 ½ years before his date of retirement, a punishment was imposed on him to have a cut in increment for five years with cumulative effect. Even though the Writ Petitioner retired from service, during the currency of punishment, the appellant recovered a sum of Rs.2,04,360/- from the terminal benefits of the Writ Petitioner towards the value of uneffected period of punishment with interest at the rate of 18% pa. The Writ Petition was allowed by the learned Single Judge of this Court, following the judgment of the Division Bench of this Court in ***W.A(MD)No.465 of 2017, dated 30.6.2017.*** Similar issue came up for consideration before the Division Bench and the Division Bench has held that the recovery made from the terminal benefits



of an employee towards the value of uneffected period of punishment, is not permissible. The principles followed by the Division Bench has already been followed by this Court in serveral judgments. This Court is also convinced that the Writ Petitioner is entitled to the relief by applying the law laid down by the Division Bench of this Court in the said judgment. This Court has no reasons to take a different view in the present Writ Appeal and hence, this Court finds no merit in the Writ Appeal.

4. Accordingly, the Writ Appeal Stands dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

[S.S.S.R.,J.] [D.B.C.,J.]
08.08.2023

Index:Yes/No
Internet:Yes/No
NCC:Yes/No
vsn



S.S.SUNDAR, J.

AND

D.BHARATHA CHAKRAVARTHY, J.

vsn

JUDGMENT MADE IN
W.A(MD)NO.1278 OF 2023
and
C.M.P(MD)No.9597 of 2023

08.08.2023