



W.P.(MD).No.19485 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.08.2023

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.19485 of 2023

K.Karuppasamy

... Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Transport Corporation
(Madurai) Limited,
Bye-Pass Road, Madurai-16.

2.The General Manager,
Tamil Nadu State Transport Corporation
(Madurai) Limited,
Virudhunagar Region,
Virudhunagar.

3.The Assistant Manager,
Tamil Nadu State Transport Corporation
(Madurai) Limited,
Sathur Branch,
Virudhunagar District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents to refund the recovery effected by the third respondent in Receipt 11/No.4100 Rs.22,356/-, dated 10.05.2023 along with interest at the rate of 6% p.a. towards



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unimplemented punishment of postponement of increment in the light of the judgment of this Court in W.A(MD)No.1270 of 2020, dated 15.06.2021.

For Petitioner : Mr.S.Govindan

For Respondents : Mr.K.Ramaiah
Standing Counsel

ORDER

The present writ petition has been filed seeking direction to the respondents to refund the recovery effected by the third respondent in Receipt 11/No.4100 Rs.22,356/-, dated 10.05.2023 along with interest at the rate of 6% p.a. towards unimplemented punishment of postponement of increment in the light of the judgment of this Court in W.A(MD)No.1270 of 2020, dated 15.06.2021.

2. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

3. The petitioner retired from the service of the respondent Corporation on 31.05.2023. At the verge of his retirement, he was directed to remit Rs.22,356/- as a pre-condition for getting retirement order. By coercion and



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compulsion, recovery was effected from the petitioner and only after remitting the above amount stating that, un-implemented punishment of recovery in violation to standing orders of the respondent Corporation.

4. The said recovery was effected without notice and without giving an opportunity of hearing to the petitioner. Thereafter, the petitioner retired from service on 31.05.2023. The petitioner had raised his strong objection for the recovery of the above said amount and given a written representation in person on 09.06.2023. But it was not considered. Hence, this writ petition came to be filed.

5. The Hon'ble Division Bench of this Court in ***W.A(MD)No.1270 of 2020, dated 15.06.2021*** has dealt with a similar case and passed a favourable order and the relevant portion of which is extracted as follows:

“10. In the light of the above legal principle and having found that there is no provision in the Certified Standing Orders to pass orders of recovery at the verge of retirement or after retirement proposing to recover the unimplemented orders of punishment of postponement of increment, is wholly without jurisdiction. Hence, for the reasons set out by the learned Single Bench as well as the reasons which we have observed supra, the



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order passed in the writ petition does not call for interference. The learned Single Bench has allowed the writ petition as prayed for, which would mean that the respondent-workman is also entitled to claim interest at 18% per annum. In our considered view, 18% interest would be too exorbitant and we are of the view that a time frame can be fixed for the respondent-Management to settle the amount of Rs.75,900/- and accordingly directed to pay the said sum within a period of 12 weeks, failing which, the Management is directed to settle the amount together with the interest at the rate of 6% per annum from the date of order passed in the writ petition, namely, 28.07.2020, till the claim is settled.”

6. In line of the above said judgment, since the recovery in this case of the petitioner is also effected at the verge of his retirement, the respondents are directed to refund the recovered amount of Rs.22,356/- together with the interest at the rate of 6% per annum within a period of twelve (12) weeks from the date of receipt of a copy of this order.

7. With the above said observation, this writ petition stands disposed of. There shall be no order as to costs.

11.08.2023



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NCC : Yes / No
Index : Yes / No
Internet : Yes
BTR

To

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L.VICTORIA GOWRI, J.

BTR

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