



W.P.(MD).No.18780 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.08.2023

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.18780 of 2023

S.Krishnan

... 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,
Madurai Region,
Madurai-16.**

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records connected with impugned order of the third respondent in Parvai:Pasee Thu/E4/899/2023, dated 19.05.2023 for Rs.66,300/-, quash the same and consequently direct the respondents to refund the recovered amount of Rs.66,300/- with interest at the rate of 18% per annum.

For Petitioner : Mr.S.Govindan

**For Respondents : Mr.K.Ramaiah
Standing Counsel**



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ORDER

The present writ petition is for a Writ of Certiorarified Mandamus, calling for the records connected with impugned order of the third respondent in Parvai:Pasee Thu/E4/899/2023, dated 19.05.2023, for Rs.66,300/-, quash the same and consequently direct the respondents to refund the recovered amount of Rs.66,300/- with interest at the rate of 18% per annum.

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.66,300/- as a pre-condition for getting retirement order towards un-implemented increment cut. By coercion and compulsion, recovery was effected from the petitioner's May 2023 wages to a tune of Rs.44,550/- and the balance amount was withheld towards un-implemented punishment of increment cut in violation of the standing orders of the respondent Corporation.



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4. The said recovery was effected without notice and without giving opportunity of hearing to the petitioner. Thereafter, the petitioner retired from service on 31.05.2023. The balance amount of Rs.21,750/- was withheld from the petitioner's pensionary benefits. The petitioner had raised his strong objections both for the recovery of the said amount from his May 2023 wages and also from the pensionary benefits in person as well as vide registered post, dated 19.06.2023. Challenging the said recovery order, dated 19.05.2023, 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 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



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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 said judgment, since the recovery in this case of the petitioner is also effected at the verge of his retirement, the impugned order is hereby quashed and thereafter, the respondents are directed to repay the recovered amount of Rs.66,300/- with 6% interest within a period of twelve (12) weeks from the date of receipt of a copy of this order.

7. In the result, this writ petition stands allowed. There shall be no order as to costs.

03.08.2023



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

To

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Bye-pass Road, Madurai-16.
- 2.The General Manager,
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L.VICTORIA GOWRI, J.

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