



W.P.(MD).No.20446 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.08.2023

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.20446 of 2023

T.Ragupathi

... Petitioner

Vs

1. The Government of Tamil Nadu,
Rep by its Secretary to Government,
Transport Department,
Fort St.George, Chennai 600 009.
2. The Managing Director,
Tamil Nadu State Transport Corporation (Kumbakonam) Ltd,
Kumbakonam, Thanjavur District.
3. The General Manager,
Tamil Nadu State Transport Corporation (Kumbakonam) Ltd,
Trichy Region, Periyamilaguparai, Trichy.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Declaration, declaring the action of respondents transport corporation, which had recovered a sum of Rs. 33,637/- towards non-implementable punishment imposed on the petitioner as illegal, arbitrary and violative of Article 14 of the Constitution of India and consequently direct the respondents 2 and 3 to refund the petitioner the



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recovery amount of Rs. 33,637/- along with 6 percentage per annum within a time stipulated by this Court.

For Petitioner : Mr.N.Sudhagar Nagaraj

For Respondents : Mr.D.S.Neduncheliyan (R1)
Government Advocate

Mr.K.Ramaiah (R2, R3)
Standing Counsel

ORDER

The present writ petition is for a Writ of Declaration, declaring the action of respondents Transport Corporation, which had recovered a sum of Rs. 33,637/- towards non-implementable punishment imposed on the petitioner as illegal, arbitrary and violative of Article 14 of the Constitution of India and consequently direct the respondents 2 and 3 to refund the petitioner the recovery amount of Rs. 33,637/- along with 6 percentage per annum within a time stipulated by this Court.

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



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3.The petitioner joined the respondent Corporation on 27.09.1991.

Thereafter, he met with an accident and the Corporation provided an alternative duty as Helper and retired from service as Helper on 31.05.2022. While he was working at the respondents Branch at Trichy, at the verge of the petitioner's retirement, the second and third respondents imposed non-implementable punishment and recovered Rs.33,637/- from his retirement benefits. Such a deduction is atrocious on the part of the second and third respondents, without prior notice and the same is against the principles of natural justice. Such an act of the respondent Corporation in deducting Rs.33,637/- from the retirement benefits is illegal.

4.This matter is already covered by the Judgments of the Hon'ble Division Bench of this Court vide orders in ***W.A(MD)Nos.886 and 887 of 2017***, dated 12.07.2017 and ***W.A(MD)No.1270 of 2020***, dated 15.06.2021. Hence, in view of the same, the respondents are bound to refund the deducted amount to the petitioner immediately. The non settlement of such amount would amount to the violation of right to livelihood of the petitioner guaranteed under Article 21 of the Constitution of India and hence, this writ petition came to be filed.



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5. Heard, Mr.N.Sudhagar Nagaraj, learned counsel appearing for the petitioner, Mr.D.S.Neduncheliyan, learned Government Advocate appearing for the first respondent and Mr.K.Ramaiah, learned Standing Counsel appearing for the second and third respondents. Perused the materials on record.

6. The learned Standing Counsel for the first respondent fairly conceded that the petitioner is entitled to receive the amount of Rs.33,637/-, which was deducted from his retirement benefits. However, he objected to the payment of 6% interest, which is claimed by the petitioner in his prayer.

7. This Court is inclined to follow the common judgment passed by the Hon'ble Division Bench of this Court in ***W.A(MD)Nos.886 and 887 of 2017*** wherein, this Court dealt with the similar case and the relevant portion of which is extracted as follows:

“4. The learned Counsel appearing for the Corporation could not dispute the factual position that in the standing orders 4 applicable to employees / respective first respondents there is no provision to effect such recoveries. The learned Single Judge following the order, dated 24.02.2015, rendered by an earlier Division Bench



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in W.A(MD)Nos.52 to 54 of 2015, held that permitting the Corporation to deduct the “non implemented punishment of increment cuts” cannot be considered as just or equitable. The case on hand is clearly covered by the aforesaid earlier Division Bench decision and the learned Single Judge was right in the following same.”

8.In view of the same, this Court is inclined to issue a Writ of Declaration, declaring the action of the respondent Transport Corporation recovering a sum of Rs.33,637/-, towards non-implementable punishment imposed on the petitioner is illegal, arbitrary and violative of Article 14 of the Constitution of India and consequently direct the respondents to refund the recovered said amount to the petitioner.

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

22.08.2023

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

PNM



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To
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1. The Secretary to Government,
The Government of Tamil Nadu,
Transport Department,
Fort St.George, Chennai 600 009.
2. The Managing Director,
Tamil Nadu State Transport Corporation (Kumbakonam) Ltd,
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L.VICTORIA GOWRI, J.

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ORDER IN
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