



W.P.(MD)No.19271 of 2018

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.01.2023

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THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)No.19271 of 2018

and

W.M.P(MD)No.17101 of 2018

K. Chinnasamy

... Petitioner

Vs.

The Management of Tamil Nadu State
Transport Corporation (Kumbakonam) Limited,
Trichy Region,
Represented by its General Manager,
Trichy.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of *Writ of Certiorarified Mandamus*, after calling for the records pertaining to the impugned order of the respondent, dated 15.06.2017 passed in Reference:TNSTC/Kumba/Trichy/Niru/E3/227/2017, quash the same and consequently direct the respondent to refund the amount of Rs.14,160/- to the petitioner, together with 18% interest per annum.



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For Petitioner : Mr.V.R.Arun Kumar
For Respondent : Mr.D.Sivaraman
Standing Counsel

ORDER

This writ petition is filed challenging the award, dated 15.06.2017 and also sought for a consequential relief to refund a sum of Rs.14,160/- with interest.

2. The petitioner was appointed as Driver from 15.07.1987 and he attained superannuation on 31.07.2017. The petitioner faced certain disciplinary proceedings and the punishments were implemented, except the punishment vide proceedings, dated 10.05.2017 in D6/7340/2016. This punishment could not be implemented since the petitioner has attained superannuation.

3. The learned counsel appearing for the petitioner submitted that since the petitioner has attained superannuation, the order passed in the disciplinary proceedings is unimplementable. However, the learned Standing



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Counsel appearing for the respondent submitted that the disciplinary proceedings order was passed on 15.06.2017, whereas the petitioner attained superannuation on 31.07.2017, atleast portion of the order should be implementable since it is coming within the service period. He further submitted that the disciplinary proceeding was initiated for the accident committed by the petitioner.

4. Since the amount is very meagre and the disciplinary proceedings is not for misappropriation, this Court is inclined to quash the impugned order. The amount of Rs.6,460/-shall not be recovered, since it comes after the service period and therefore, the same cannot be recovered. As far as the balance amount is concerned, it is coming within the service period, since this amount is meagre the same shall be recovered. However, the real issue raised in this writ petition is left open.

5. Accordingly, the respondent is directed to refund the amount which was already recovered. As far as the amount which was not recovered is concerned, the respondent shall not to recover the same.



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6. With these directions, this Writ Petition is allowed. No Costs.

Consequently, connected miscellaneous petition is closed.

Index : Yes / No
Internet : Yes
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24.01.2023



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S.SRIMATHY, J

ksa

**Order made in
W.P(MD)No.19271 of 2018**

24.01.2023