



W.P(MD)No.27783 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.11.2023

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THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.27783 of 2023

R.Roosewelt

... Petitioner

Vs.

The Management of
Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
Represented by its Managing Director,
Kumbakonam.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondent to refund the amount of Rs.36,000/- recovered from the terminal benefits of the petitioner as towards unimplemented increment cuts, together with 6% interest p.a.

For Petitioner : Mr.S.Arunachalam

For Respondent : Mr.K.Ramaiah
Standing Counsel



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ORDER

The present writ petition has been filed by a retired Driver of the respondent Transport Corporation challenging the recovery of a sum of Rs.36,000/- towards 'non-implemented increment cuts'.

2. According to the learned Counsel appearing for the writ petitioner, the petitioner herein was imposed with a punishment of increment cut. The non-implemented increment cut cannot be recovered from the terminal benefits of the writ petitioner in view of the orders passed by this Court in a batch of writ appeals in W.A(MD)No.345 of 2017 etc., dated 30.06.2017, which was followed in ***W.A(MD)No.1270 of 2020 [The State Express Transport Corporation (Tamil Nadu) Limited, Represented by its Managing Director and Others Vs. G.Senthil and Another]***, dated 15.06.2021.

3. From the settlement of accounts issued to the writ petitioner at the time of his retirement, it could be seen that a sum of Rs.36,000/- is sought to be recovered for non-implementation of increment cuts. In view of the judgment of the Hon'ble Division Bench of this Court in W.A(MD)No.1270 of 2020,



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dated 15.06.2021, this Court is of the view that the issue is already covered by the judgment of the Hon'ble Division Bench of this Court. Therefore, the recovery made by the respondent authorities is illegal. There shall be a direction to the respondent herein to refund the said sum of Rs.36,000/- within a period of twelve (12) weeks from the date of receipt of a copy of this order along with 6% interest till the date of realization.

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

23.11.2023

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

To

The Managing Director,
The Management of
Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
Kumbakonam.



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R.VIJAYAKUMAR, J.

BTR

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