



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.03.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.2512 of 2021
and W.M.P.No.2836 of 2021

P.Loganathan
Sr.Checking Inspector, FC 0565
Erumapalayam Branch -1,
Tamil Nadu State Transport Corporation,
Salem.

...

Petitioner

versus

1.The Managing Director,
Tamilnadu State Transport Corporation (Salem) Ltd.
12, Ramakrishna Road,
Salem-7.

2.The General Manager,
Tamilnadu State Transport Corporation (Salem) Ltd.
12, Ramakrishna Road,
Salem-7.

...

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the 2nd respondent to not to effect further recovery from the monthly salary of the petitioner i.e. from January' 2021, @ 7,267/- based on the order of recovery passed by him in his proceeding No.கு.எண்.189-16827 டி2ஏ-தஅபாக-சேலம்-2019 dated 31.07.2020 till the finalization of the statutory Appeal dated 22.12.2020 pending with the 1st respondent and consequently direct the 1st respondent to dispose of the Appeal.



WEB COPY

For Petitioner : M/s.S.Girija
For Respondents : Mr.R.Babu
Standing Counsel for TNSTC

ORDER

The petitioner has filed this petition seeking a writ of mandamus, directing the second respondent not to effect further recovery from the monthly salary of the petitioner and to direct the first respondent to dispose of the Appeal.

2. Heard M/s.S.Girija, learned counsel for the petitioner and Mr.R.Babu, learned Standing Counsel for the respondents and perused the materials available on record.

3. The petitioner has joined as a Conductor and now he is working as a Checking Inspector. On 09.08.2019, he was given with a charge memo stating that he is responsible for the loss of double duty wages bill book register and after enquiry he was imposed with the punishment of recovery of Rs.87,200/- payable in 12 installments at the rate of Rs.7,267/- per month.



4. M/s.S.Girija, learned counsel for the petitioner submitted that the bill book would be under the control of Superintendent of Branch. However, it appears that the petitioner has raised all these grounds and filed an appeal before the first respondent. The grievance of the petitioner is that even before the appeal was disposed, the second respondent has initiated recovery proceedings against the petitioner.

5. It is seen that the appeal filed by the petitioner before the first respondent has not been disposed so far. Even before that, the recovery proceedings has been initiated against the petitioner. Hence, the petitioner claims that the recovery order is illegal.

6. Hence, the first respondent is directed to dispose the appeal filed by the petitioner dated 22.12.2020 and pass appropriate orders on its own merits and in accordance with law as expeditiously as possible and this Writ Petition is **disposed** accordingly. No costs. Consequently, connected Miscellaneous Petition is closed.

22.03.2024

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

sri



To

- 1.The Managing Director,
Tamilnadu State Transport Corporation (Salem) Ltd.
12, Ramakrishna Road,
Salem-7.
- 2.The General Manager,
Tamilnadu State Transport Corporation (Salem) Ltd.
12, Ramakrishna Road,
Salem-7.



WEB COPY

W.P.No.2512 of 2021
and W.M.P.No.2836 of 2021



R.N.MANJULA, J.

sri

W.P.No.2512 of 2021
and W.M.P.No.2836 of 2021

22.03.2024