



W.P.No.37040 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 04.03.2024

CORAM :

THE HONOURABLE **DR. JUSTICE D.NAGARJUN**

W.P.No.37040 of 2016

A.Mathiazagan

....Petitioner

Vs.

The Managing Director,
State Express Transport Corporation,
Pallavan Salai,
Chennai - 613 501.

...Respondent

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a writ of mandamus, directing the respondent to consider and pass orders on the petitioner's representation dated 30.07.2019 in respect of recovery of Rs.38,845/- from his salary for the loss of ticket book.

For petitioner : Mr.D.Veerasekaran

For respondent : Mr.Sivasubramani

ORDER

This writ petition is filed seeking for a mandamus directing to the respondent to consider the petitioner's representation dated 30.07.2019



W.P.No.37040 of 2016

in respect of recovery of Rs.38,845/- from the salary of the petitioner for the loss of ticket book.

2. It is submitted by the learned counsel for the petitioner that the petitioner was working as a Assistant Helper at Thiruvalluvar Transport Corporation. He was subsequently appointed as a Conductor on 01.10.1984 and his services were regularized from 01.09.1986. On 22.07.2008, when the petitioner was working as a Conductor in Thanjavur Branch, he was asked to perform the duties in bus route No.323 from Thanjavur to Chennai and received ticket box No.167 at about 22.05 hours. Due to the non availability of vehicle, the petitioner was instructed to wait in the rest room. When the petitioner was waiting, he found the ticket book missing. The petitioner informed about the missing of the ticket book to the higher authorities. Eventually, police complaint was also lodged, an enquiry was conducted to the petitioner and final report was filed on 30.10.2008 stating that the police could not trace the missing ticket book.

3. The petitioner retired from service on 31.08.2014 on attaining the age of superannuation. However, the petitioner's service benefits were



W.P.No.37040 of 2016

not settled and an amount of Rs.38,845/- was recovered from the petitioner in respect of the value of the denomination of the ticket book lost and thereby, this writ petition is filed.

4. Counter affidavit has not been filed by the respondent Corporation.

5. Heard both sides and perused the materials on record.

6. As per clause 17 of 12 (3) settlement dated 29.08.2005, between the workmen and the Corporation management, no recovery shall be made from the Conductors towards the value of tickets in case if the ticket book is lost. This Court in its judgement dated 16.11.2017 in W.P.No.20093 of 2012 has directed the respondents not to collect the value of the ticket books lost.

7. It is not alleged that the petitioner was negligent. No memo was given and explanation was not called for and the petitioner was also not given any notice prior to passing of the orders. At most the respondent Corporation is entitled to collect the cost of the printing of the ticket



books, which were lost, which will be very meagre. In view of the submissions made by both the sides and considering the similar orders passed by this Court in similarly placed matters, the respondent Corporation cannot recover Rs.38,845/- towards the value of the ticket book lost. In view of the submissions made by both the sides and considering that the orders passed by this Court in similarly placed circumstances, it is held that the respondent Corporation cannot recover Rs.38,845/- towards the value of the denomination of ticket book lost.

8. In view of the above, the respondent Corporation is directed not entitled to recover Rs.38,845/- towards the value of the lost ticket book from the petitioner's salary. However, it is submitted by the learned counsel for the petitioner that an amount of Rs.38,845/- had already been recovered from the petitioner, thereby, the respondent Corporation shall return the entire amount of Rs.38,945/- to the petitioner. The respondent Corporation may also consider payment of reasonable interest in respect of Rs.38,845/- from the date of completion of the last installments. The respondents are at liberty to recover only the printing charges of the lost ticket book from the petitioner.



W.P.No.37040 of 2016

9. Accordingly, this writ petition is disposed of with the above directions. Costs made easy.

04.03.2024

vca

Index : Yes/No

Internet : Yes/No

Citation : Yes/No

To,
The Managing Director,
State Express Transport Corporation,
Pallavan Salai,
Chennai - 613 501.



WEB COPY



W.P.No.37040 of 2016

DR.D.NAGARJUN,J.

vca

W.P.No.37040 of 2016

04.03.2024