



WEB COPY

W.P.No.240 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.09.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.240 of 2023
and W.M.P.No.265 of 2023

K.Senthil Raja

.. Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Transport Corporation (Salem) Limited,
No.05 Ramakrishna Road,
Salem – 636 007.

2.The Assistant Manger (Personnel),
Tamil Nadu State Transport Corporation (Salem) Limited,
No.05, Ramakrishna Road,
Salem – 636 007.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records of the 2nd respondent in to call for the records in Ku.No.E11/1149/TNSTC (Salem)/2019 dated 29.05.2019 and quash the same and consequently direct action of the respondents in recovering Rs.1,70,400/- from the petitioner towards monetary value equivalent to non-implemented punishment, quash the same and consequently direct the respondents to forthwith pay the petitioner the recovered amount of Rs.1,70,400/- with 12% interest payable from 01.08.2018 to till the date on which the above amount is settled to the petitioner.



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For petitioner : Mr.N.Desinghu
For Respondents : Mr.K.Raja
Standing Counsel

ORDER

This writ petition has been filed challenging the proceedings of the 2nd respondent dated 29.05.2019 wherein the 2nd respondent has sought for the recovery of a sum of Rs.1,70,400/- from the petitioner towards non-implemented punishment of increment cut.

2.Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondents.

3.The case of the petitioner is that he was appointed as an ITI (Fitter) Company Apprentice in the erstwhile Anna Corporation on 17.12.1984. Initially he was placed under a consolidated pay. On completion of the training period, the petitioner was brought under regular time scale of pay in the year 1987.

4.The petitioner attained the age of superannuation on 31.07.2018 and at the time of retirement, he was serving as a Tradesman.



5.The grievance of the petitioner is that the 2nd respondent through proceedings dated 29.05.2019, recovered a sum of Rs.1,70,400/- from the retirement benefits towards unimplemented punishment during the service period of the petitioner. The same has been put to challenge in the present writ petition.

6.In the considered view of this Court, the moment the petitioner retired from service, the relationship of employer / employee ceases to exist. If at all the respondent Corporation wanted to recover any amount from the petitioner, necessary steps should have been taken when the petitioner was in service or such a right should have been reserved at the time when the petitioner was permitted to retire. No action can be initiated against an employee after the employee retires from service, since, there is no employer / employee relationship thereafter.

7.In the light of the above discussion, the impugned proceedings of the 2nd respondent dated 29.05.2019 is an error of law apparent on the face of the order, which is liable to be interfered by this Court and accordingly, the same is hereby quashed. There shall be a direction to the respondents to refund the amounts recovered from the petitioner within a period of four (4) weeks from the date of receipt of a copy of this order.



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If the amount is not repaid back within the time stipulated by this Court, the same shall carry interest at the rate of 6% per annum from the date of recovery till the date of actual settlement of the amount.

8.In the result, this Writ Petition stands allowed with the above directions. Consequently, the connected Miscellaneous Petition is closed.

No costs.

09.09.2024

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Index : Yes / No
Internet : Yes / No
Neutral Citation : Yes / No

To

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N.ANAND VENKATESH, J.

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