



WEB COPY



W.P. No. 25791 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.12.2024

CORAM

THE HONOURABLE MR.JUSTICE BATTU DEVANAND

W.P. No. 25791 of 2018

S. Sundarasekaran

... Petitioner

Vs.

1.The Government of Tamil Nadu,
Represented by its,
Additional Chief Secretary to Government,
Transport Department, Secretariat, Chennai – 600 009.

2.The Managing Director,
Tamil Nadu State Transport Corporation (Salem) Ltd.,
Salem Division, No.12, Ramakrishna Road,
Post Box No.713, Salem – 636 007.

3.The General Manager,
Tamil Nadu State Transport Corporation (Salem) Ltd.,
Salem Division, No.12, Ramakrishna Road,
Post Box No.713, Salem – 636 007.

4.The Administrator,
Tamil Nadu State Transport,
Corporation Employees Pension Fund Trust,
Thiruvalluvar House,
Pallavan Salai, Chennai – 600 002.

... Respondents

Writ petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Declaration, to declare the action of 2nd and 3rd respondents have recovered a sum of Rs.44,400/- towards non-implementable punishment of increment



cut imposed on the petitioner as illegal, arbitrary and violative of Article 14 of the Constitution of India and consequently direct the 2nd and 3rd respondents Corporation to disburse the said amount, which have been already recovered from him, together with 18% rate of interest payable to him with effect from 31.07.2013 within the time frame that may be stipulated by this Court.

For Petitioner : Mr. N. Sudhagar Nagaraj
For Respondents : Mrs. R.L. Karthika,
Government Advocate for R1
Mr. M. Aswin,
Standing Counsel for RR2 & 3
Mr. C.S.K. Sathish, for R4
Standing Counsel

ORDER

The petitioner has filed this petition for issuance of Writ of Declaration declaring the action of 2nd and 3rd respondents which having been recovered a sum of Rs.44,400/- towards non-implementable punishment of increment cut imposed on the petitioner as illegal, arbitrary and violative of Article 14 of the Constitution of India and consequently direct the 2nd and 3rd respondents Corporation to disburse the said amount, which have been already recovered from him, together with 18% rate of interest payable to him with effect from 31.07.2013 within the time frame that may be stipulated by this Court.

2. When the matter is taken up for hearing, the learned counsel appearing for the petitioner submitted that the issue is covered by the decision of this Court dated 26.11.2019 rendered in W.P.No.21762 of 2019, in which the impugned order in



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respect of increment cut has been quashed. Aggrieved by the order of the learned single Judge, the Transport Corporation preferred W.A.(MD)No.1270 of 2022 dated 15.06.2021 and the order of the learned single Judge was confirmed by the Division Bench of this Court and the writ appeal was dismissed. The learned counsel further cited another decision of this Court rendered in W.P.(MD)No.16524 of 2022 dated 14.09.2022 in which the order passed by the respondent for recovery was quashed.

3. In view of the ratio laid down by this Court, the third respondent is hereby directed to reimburse a sum of Rs.44,400/- which was recovered from the petitioner along with interest @ 6% p.a. from the date of recovery i.e., 05.08.2013 to till date of settlement / payment. The above amount along with the interest as stated above shall be settled to the petitioner, within a period of eight weeks from the date of receipt of a copy of this order.

4. With the above direction this Writ Petition stands allowed. No costs.

04.12.2024

Index :Yes/No

Neutral Citation :Yes/No

AT



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To

1.The Additional Chief Secretary to Government,
Government of Tamil Nadu, Transport Department, Secretariat,
Chennai – 600 009.

2.The Managing Director,
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BATTU DEVANAND, J.

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