



W.A.(MD)No.760 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 25.04.2024

CORAM:

THE HONOURABLE **MR.JUSTICE R.SURESH KUMAR**

AND

THE HONOURABLE **MR.JUSTICE G.ARUL MURUGAN**

W.A.(MD)No.760 of 2024

and

C.M.P.(MD)No.5581 of 2024

1.The Management,
Tamil Nadu State Transport Corporation
(Madurai) Limited,
Bye-Pass Road,Madurai-625 010.

2.The General Manager,
Tamil Nadu State Transport Corporation
(Madurai) Limited,
Bye-Pass Road,Madurai-625 010.

3.The Assistant Manager (Establishment),
Tamil Nadu State Transport Corporation
(Madurai) Limited,
Bye-Pass Road,Madurai-625 010.

... Appellants

-Vs-

S.Vellai Solai

... Respondent

PRAYER: Appeal filed under Clause 15 of Letters Patent, praying this Court to set aside the order dated 27.06.2023 made in W.P.(MD)No.24196 of 2018 on the file of this Court.

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For Appellants : Mr.L.Jeen Felix

JUDGMENT

[Judgment of the Court was delivered by *R.SURESH KUMAR, J.*]

The respondent employee was given punishment of dismissal from service by the appellant Management, which was set aside by the award of the Labour Court in I.D.No.2 of 2015, dated 07.10.2017. Under the said award, the Labour Court modified the punishment into stoppage of five increments for three years without cumulative effect.

2.Pursuant to the said award, the Management wanted to implement the punishment even after the retirement of the employee, as he superannuated on 30.06.2018. Therefore, there had been a recovery effected to the effect of Rs.46,800/- (Rupees Forty Six Thousand and Eight Hundred Only). As against such recovery, that is post retirement recovery in the name of implementing the modified punishment awarded by the Labour Court, the employee had filed W.P.(MD)No.24196 of 2018. The said Writ Petition was allowed by the learned Single Judge, by order dated 27.06.2023, which is impugned herein.

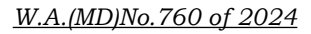


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3. Heard the learned counsel appearing for the appellants, who would submit that even though such modified punishment had been awarded, that was awarded only on 07.10.2017 and the employee retired on superannuation on 30.06.2018, stoppage of five increments for three years could not be effected within the period, that is before the superannuation. Therefore, it become necessitated for the Management to impose the said modified punishment and recover the amount from the employee only after the retirement. Therefore, the said recovery since had been made, that was intervened by the Writ Court in the impugned order. Therefore, he seeks indulgence of this Court.

4. We are not impressed with the said submission made by the learned counsel for the appellants for the simple reason that, the modified punishment of stoppage of five increments for three years without cumulative effect could have been implemented from the date of reinstatement, which takes effect from the date of dismissal, as the dismissal order has been set aside through the award, which was accepted by the Management and there had been no appeal or any Writ Petition filed against such award.



6. Therefore, the reasons given and the conclusion arrived by the learned Single Judge in the order impugned are to be justified. Resultantly, this Writ Appeal fails, accordingly, it is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

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AND

G.ARUL MURUGAN, J.

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