



W.P.(MD)No.9832 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.04.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD)No.9832 of 2024

C.Babu Rajan

... Petitioner

vs.

1.The Managing Director,
State Express Transport Corporation Ltd.,
Pallavan Street, Chennai - 600 002.

2.The Deputy General Manager (O & A),
State Express Transport Corporation Ltd.,
Pallavan Street, Chennai - 600 002.

3.The Branch Manager,
State Express Transport Corporation Ltd.,
Kanyakumari Branch,
Kanyakumari - 629 702,
Kanyakumari District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order in Letter No.330346/Si3/SETC/2023, dated 23.03.2024 on the file of the second respondent and quash the same as illegal to the extent of recovery of a sum of Rs.42,405/- and consequently direct the respondents to allow the petitioner to retire



W.P.(MD)No.9832 of 2024

peacefully with effect from 31.05.2023 with notional promotion to the post of Checking Inspector and all monetary benefits within a stipulated time.

For Petitioner : Mr.S.Louis

For Respondents : Mr.S.C.Herold Singh,
Standing Counsel

ORDER

Heard Mr.S.Louis, learned counsel for the petitioner and Mr.S.C.Herold Singh, learned Standing Counsel appearing for the respondents.

2. The petitioner has filed this petition seeking a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order of the second respondent in Letter No. 330346/Si3/SETC/2023, dated 23.03.2024, quash the same to the extent of recovery of a sum of Rs.42,405/- and consequently direct the respondents to allow him to retire peacefully with effect from 31.05.2023 with notional promotion to the post of Checking Inspector with all monetary benefits.



W.P.(MD)No.9832 of 2024

WEB COPY

3. The petitioner who retired from service by attaining the age of superannuation on 31.05.2023 has not been given with any retiral benefits so far. While so, the second respondent has issued the impugned order dated 23.03.2024 directing the petitioner to pay a sum of Rs. 42,405/- towards the pending amount payable by him.

4. However, the petitioner claims that he has no dues to be paid to the respondent Corporation. Furthermore, his eleven days excess salary has also been ordered to be recovered without mentioning the details as to when such excess payment was made to his salary.

5. On perusal of the impugned order dated 23.03.2024, it is seen that the petitioner is liable to pay certain dues towards Schemes in the respondent Corporation and he is also liable to pay the excess payment made towards his salary. But, there are no details in the order to substantiate the quantum of the amount claimed from the petitioner. With regard to the claim of the alleged excess payment towards his salary, no date has been mentioned as to when such excess payment has been done.



W.P.(MD)No.9832 of 2024

Since the petitioner is given with the impugned order without any prior notice and bereft of any details, the same is liable to be set aside.

6. In view of the above observations, the writ petition is **disposed of** and the impugned order in Letter No. 330346/Si3/SETC/2023, dated 23.03.2024 is set aside. The second respondent is directed to issue notice to the petitioner with due particulars within a period of two weeks from the date of receipt of a copy of this order and the petitioner is at liberty to submit his reply within a period of two weeks from the date of receipt of notice and after taking into account the reply submitted by the petitioner, the second respondent shall pass orders afresh, if at all it deems it necessary, within a period of two weeks thereon. No costs.

23.04.2024

NCC: Yes/No
Index : Yes/No
Speaking/Non-Speaking order

mbi



WEB COPY



W.P.(MD)No.9832 of 2024

R.N.MANJULA, J.

mbi

W.P.(MD)No.9832 of 2024

23.04.2024