



W.P.(MD)No.17401 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 07.08.2024

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THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.17401 of 2022

R.Dharmalingam

... Petitioner

VS

The Managing Director,
Tamil Nadu State Transport
Corporation(Tirunelveli)Limited,
23/2, Kattaboman Nagar,
Tirunelveli – 627 011.

... Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of declaration, declaring that the action of the respondent in having recovered a sum of Rs.1,00,800/- towards non-implemented increment cum punishment is illegal, null and void and without Jurisdiction and consequently directing the respondent to refund the above recovered amount of Rs.1,00,800/- together with 6% interest.

For Petitioner : Mr.C.Thangamani

For Respondent : Mr.D.Jebaraj
Standing Counsel

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ORDER

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The instant writ petition has been filed by a retired Special Grade Conductor of the respondent Corporation who attained superannuation on 31.03.2020, seeking to quash the order of the respondent wherein, a sum of Rs.1,00,800/-(Rupees One Lakh Eight Hundred only) is sought to be recovered towards non-implemented increment cut.

2.While the petitioner was in service, he was imposed with the punishment of increment cut and the portion of the increment cut could not be implemented due to the fact that the petitioner had attained superannuation on 31.03.2020. At the time of retirement, a sum of Rs.1,00,800/-(Rupees One Lakh Eight Hundred only) was sought to be recovered from his leave salary. The said impugned order is under challenge, the present writ petition has been filed.

3.The issue raised by the writ petitioner is no longer *res integra*. The Hon'ble Division Bench of this High Court in ***The State Express Transport Corporation(Tamil Nadu) Ltd., Vs. G.Senthil and another in W.A. (MD)No.1270 of 2020***, dated 15.06.2021, has held that when the service



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rules do not provide for recovery of the non-implemented increment cut, the authorities are not entitled to recover the same from the terminal benefits.

4.In view of the Judgment of the Hon'ble Division Bench, the respondents herein are directed to refund a sum of Rs.1,00,800/-(Rupees One Lakhs and Eight Hundred only) along with 6% interest from the date of recovery or till the date of realization.

5.With the above said observations, this writ petition is allowed to the extent as stated above. No costs.

07.08.2024

NCC : Yes/No
Index : Yes/No
Internet: Yes/No
RJR



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To

The Managing Director,
Tamil Nadu State Transport
Corporation(Tirunelveli)Limited,
23/2, Kattaboman Nagar,
Tirunelveli – 627 011.



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R.VIJAYAKUMAR, J.

RJR

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