



W.P.(MD)No.19226 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.09.2024

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.19226 of 2024

C.Babu Rajan

... Petitioner

Vs.

- 1.The Managing Director,
State Express Transport Corporation Limited,
Pallavan Street,
Chennai – 600 002.
- 2.The General Manager(O&A),
State Express Transport Corporation Limited,
Pallavan Street, Chennai – 600 002.
- 3.The Deputy General Manager(O&A),
State Express Transport Corporation Limited,
Pallavan Street, Chennai – 600 002.
- 4.The Branch Manager,
State Express Transport Corporation Limited,
Kanyakumari Branch,
Kanyakumari – 629 702,
Kanyakumari District.
- 5.Mr.V.Gunasekaran,
The General Manager(O&A),
State Express Transport Corporation Limited,
Pallavan Street,
Chennai – 600 002.

... Respondents



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PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in letter Ni.852695/Sa Pa 4/SETC/2024, dated 17.07.2024 on the file of the Respondent No. 2 and quash the same as illegal to the extent of recovery of a sum of Rs.42,405/- and consequently to direct the Respondents to allow the petitioner to retire peacefully with effect from 31.05.2023 with notional promotion to the post of Checking Inspector and all monetary benefits within the time stipulated by this Court.

For Petitioner : Mr.S.Louis

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

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ORDER

The instant writ petition has been filed by a retired Conductor of the respondent transport corporation, challenging an order of recovery dated 17.07.2024 attempting to recover a sum of Rs.42,405/-.

2.On an earlier occasion, when a similar recovery order was passed by the respondent herein on 23.03.2024, it was challenged before this Court in W.P.No. 9832 of 2024. This Court by an order dated 23.04.2024 has set aside the said order and directed the respondent transport corporation to afford an opportunity



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to the writ petitioner and thereafter proceed to pass orders. However, the respondent corporation, without affording any opportunity to the writ petitioner has proceeded to pass the same order. Hence the present writ petition has been filed.

3.It is seen that despite specific directions from this Court, the present impugned order has been passed without affording any opportunity to the writ petitioner for the second time.

4.In view of the above said facts, the order impugned in the writ petition is hereby set aside and the matter is remitted back to file of the third respondent to proceed in accordance with law after strictly following the directions issued by this Court in W.P.(MD)No.9832 of 2024, dated 23.04.2024.

5.Accordingly, this writ petition stands allowed to the extent as stated above. No costs.

03.09.2024

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

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To

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



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R.VIJAYAKUMAR, J.

RJR

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