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W.A.Nos.1146 and 1205 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE **R.SUBRAMANIAN**
AND
THE HONOURABLE MR.JUSTICE **K.SURENDER**

Writ Appeal Nos.1146 and 1205 of 2025
and CMP Nos.8865 and 1205 of 2025

Tamil Nadu State Transport Corporation
(Villupuram) Limited,
Kancheepuram Region,
Rep. by its General Manager,
Ponnerikarai, Chennai-Bangalore Highways,
Kancheepuram. ... Appellant in WA 1146/2025

The General Manager,
Tamil Nadu State Transport Corporation
(Villupuram) Limited,
Kancheepuram Region,
Kancheepuram. ... Appellant in WA 1205/2025

Vs.

M.Sivashanmugam ... Respondent in WA 1146/2025

S.Raja ... Respondent in WA 1205/2025



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Prayer: Writ Appeals filed under Clause 15 of the Letters Patent, to set aside the order passed in (i) WP No.11426 of 2018 dated 26.04.2024 (ii) WP No.11424 of 2018 dated 26.04.2024 respectively.

For Appellants : Mr.M.Aswin
(in both the Petitions) Ms.S.Pavithra

For Respondents : Mr.V.Ajoy Khose
(in both the petitions)

COMMON JUDGMENT

(Judgment of the Court was delivered by R.SUBRAMANIAN, J.)

Challenge is to the order of the learned Single Judge made in WP No.11426 of 2018 and WP No.11424 of 2018, quashing the orders of recovery made against the respondents for loss of unused ticket books.

2. The respondents who were employed as conductors in the appellant Corporation had lost unused ticket book when they were in duty. They had also lodged a complaint with the Police apart from informing the Authorities. However, the Authorities sought to recover the value of the



lost tickets from them.

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3. Contending that as per the 12(3) settlement reached between the Corporation and the Workers recovery shall not be made for value of ticket books which were lost due to accident or for reasons beyond the control of the Conductor. The settlement also provided that if the loss is due to the negligence of the Conductor then the value of the lost tickets could be recovered.

4. The claim of the workmen was resisted by the Corporation contending that since the loss was due to negligence, the orders of recovery are justified. The learned Single Judge relying upon a judgment of the Division Bench of this Court in *Management of Rani Mangammal Transport Corporation Ltd., vs. M.Palanisamy*, reported in (2008) 1 MLJ 224, held that unless it is proved that the loss was due to the negligence of the Conductor concerned there cannot be a recovery. On the said finding, the learned Single Judge quashed the recovery orders, leading to this Appeal.

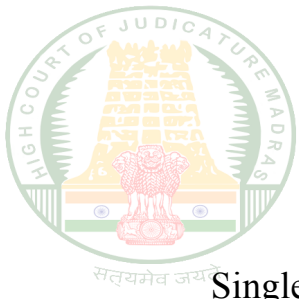


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5. Mr.M.Aswin, learned counsel appearing for the appellant Corporation in both the petitions would vehemently contend that this was not a case of loss due to theft or accident but due to negligence. Hence the orders of recovery are justified.

6. Mr.AjayKhose, learned counsel appearing for the workmen would submit that unless the Corporation conducts an enquiry and reaches a conclusion that the loss was due to the negligence of the Conductor recovery orders cannot be sustained.

7. To our query as to whether there was an enquiry before the orders of recovery were passed, Mr.M.Aswin learned counsel appearing for the Corporation would fairly submit that there was no enquiry. In the absence of an enquiry and a finding that the loss was due to the negligence of the Conductor concerned, the orders of recovery would be hit by the provisions of the 12(3) Settlement between the Corporation and the Workers.



8. Hence, we are unable to interfere with the orders of the learned

Single Judge. It is made clear that we have not gone in to the other aspects.

Both the Appeals are dismissed. There shall be no order as to costs.

Consequently, the connected miscellaneous petition is closed.

(R.SUBRAMANIAN, J.) (K.SURENDER, J.)

09.07.2025

jv

Internet : Yes

Index : No

Neutral Citation : No

Speaking order

To

The General Manager,
Tamil Nadu State Transport Corporation
(Villupuram) Limited,
Kancheepuram Region,
Ponnerikarai, Chennai-Bangalore Highways,
Kancheepuram.



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