

W.P.No.5692 of 2024

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**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

DATED: 26.03.2025

Coram

**THE HON'BLE MR JUSTICE C.V.KARTHIKEYAN**

W.P.No.5692 of 2024

K.Selvakumar

... Petitioner

-Versus-

1.The Managing Director,  
Tamil Nadu State Transport Corporation (Salem) Limited,  
No.12, Ramakrishna Road,  
Salem – 7.

2.The General Manager,  
Tamil Nadu State Transport Corporation (Salem) Limited,  
No.12, Ramakrishna Road,  
Salem – 7.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking Writ of Certiorarified Mandamus calling for the records of the second respondent in Ku.No.222/2222-T2-TNSTC (Salem) – 2023 dated 04.08.2023, action of the respondents in recovering Rs.43,600/- from the petitioner towards salary quash the same and consequently, direct the respondents to forthwith pay the petitioner the recovered amount of Rs.43,600/- with 12% interest payable from the date on which the above amount is settled to him.



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*For Petitioner* : *Mr.N.Desinghu*

*For Respondents* : *Mr.M.Raja,*  
*Standing Counsel*

### **ORDER**

This writ petition has been filed in the nature of certiorarified mandamus calling for the records of the second respondent relating to an order dated 04.08.2023 by which, the respondent had directed recovery of Rs.43,600/- from the petitioner and quash the same. The petitioner seeks that the said amount, which had been recovered, must be repaid with interest at 12% per annum.

2. In the affidavit filed in support of this petition, it had been stated that the petitioner had joined as Junior Assistant in Annai Sathiya Transport Corporation Salem Ltd., on 01.01.1993. The Corporation was thereafter merged with the respondents. It is stated that on 16.03.2020, a charge memo was issued to the petitioner stating that on 11.02.2020 when an inspection was conducted in the office of the second respondent, two Demand Draft Wage books were misplaced. It had been stated that an enquiry was conducted and the charge was held duly proved. Thereafter, a further show cause notice was issued to the petitioner. The petitioner's explanation was considered. Finally it



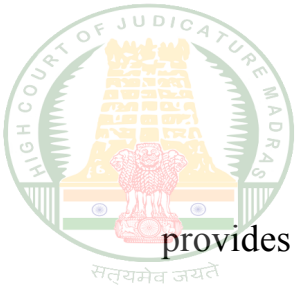
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was ordered that the total loss was Rs.87,200/- and the petitioner was directed to pay a sum of Rs.43,600/- which was one half of the amount and it was directed that the said amount was recovered from the salary/pension of the petitioner herein. The petitioner had retired on attaining the age of superannuation on 31.05.2022.

3. However, the respondents retained liberty to proceed further with the charge. The charge related to financial loss and misappropriation and within four years from the date of retirement, the respondents had a right to proceed against the petitioner herein.

4. The procedure as enunciated by law has been followed during the course of disciplinary enquiry. No argument had been advanced that opportunity had not been granted. Show cause notice had been issued and the explanation given had been considered. Thereafter, the impugned order had been passed.

5. The learned Standing Counsel for the respondents further contended that Rule 22 of the Tamil Nadu Government Servants Conduct Rules, 1973



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provides for recovery of loss from the employee's salary or pension for  
misplacing Money-Valued bills.

6. In this case, two Demand Draft Registers had been misplaced and the total value of Rs.87,200/- was quantified as the loss. The petitioner had therefore been directed to pay a sum of Rs.43,600/-, one half for the loss.

7. I find no reason to interfere with the said order. The writ petition stands dismissed. There shall be no order as to costs.

26.03.2025

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Index : Yes/No

Speaking order/Non speaking order

Neutral Citation : Yes/No



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To

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**C.V.KARTHIKEYAN, J.**

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