



WP No. 33095 of 2018



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13-11-2025

CORAM

THE HONOURABLE MR.JUSTICE K. SURENDER

WP No. 33095 of 2018

N.Ramasamy

Petitioner(s)

Vs

1. Tamil Nadu State Transport Corporation
(Coimbatore) Ltd., Rep by its
Managing Director, 37, Mettupalayam
Road, Coimbatore 43.

2.The General Manager,
Tamil Nadu State Transport
Corporation (Coimbatore) Ltd.,
Rep by its Managing Director, 37,
Mettupalayam Road, Coimbatore 43.

3.The Assistant Manager
(Personnel and Pay), Tamil Nadu State
Transport Corporation (Coimbatore)
Ltd., Rep by its Managing Director, 37,
Mettupalayam Road, Coimbatore 43.

Respondent(s)

PRAYER

This Writ Petition is filed under Article 226 of Constitution of India



seeking Writ of Certiorarified Mandamus to call for the records pertaining to the order dated 15.03.2017 passed by the 3rd respondent in proceeding No. 7/B1/SaPaPi/ TNSTC (Kovai)/2017, quash the said order and recoveries made from March 2017 salary and PF amount based on the said order and consequently direct the respondents to return and refund the petitioner a sum of Rs. 68,904/- together with interest at the rate of 12% per annum within a specified time.

For Petitioner(s): G.K.Dharshini for
M/s.R.Krishnaswamy

For Respondent(s): M/s. A.Sundaravadhanan for R1 to R3

ORDER

The petitioner has filed this Writ Petition seeking to quash the order dated 15.03.2017 passed by the third respondent in proceeding No. 7/B1/SaPaPi/ TNSTC (Kovai)/2017 and to direct the respondents to refund a sum of Rs. 68,904/- together with interest at the rate of 12% per annum within a stipulated time.

2. The petitioner, while working as a Driver, in the respondent Corporation, was involved in an accident in the year 2014. An enquiry was conducted and punishment was imposed in the year 2015. The punishment was stoppage of increment for a period of two years with cumulative effect.



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3. The petitioner was retired on 31.03.2017. Meanwhile, the impugned order dated 15.03.2017 was served on the petitioner stating that the petitioner is liable to pay an amount of Rs.68,904/- to the Corporation, which is the value of the unimplemented punishment of stoppage of the annual increment.

4. The learned counsel appearing for the petitioner submits that on the verge of retirement, the impugned order was passed asking the petitioner to pay the aforesaid amount, however, there is no standing order that gives power to the respondent Corporation to collect the amount on the verge of retirement. In support, the learned counsel relied on the judgment of the Hon'ble Division Bench of this Court in in W.A.No.1270 of 2020, (*The State Express Transport Corporation (Tamilnadu) Ltd and others Vs. G.Senthil and others*), dated 15.06.2021.

5. On the other hand, the learned counsel appearing on behalf of the



respondents submits that it is an admitted fact that Standing Orders would apply, however, under Section 12(3) of the Industrial Disputes Act, 1947, recovery can be made even on the verge of retirement.

6. The scope of the Section 12(3) of the Industrial Dispute Act and also scope of recovery at the verge of retirement was discussed by the Hon'ble Division Bench of this Court in the judgment in ***G.Senthil's case*** cited supra.

7. Clause 8 of the Settlement under Section 12(3) of the Industrial Dispute Act, there cannot be any recovery with regard to unimplemented punishment at the verge of retirement/ Superannuation. The Hon'ble Division Bench of this Court in W.A.(MD) Nos.465 and 2017 and etc batch, (***The Management of Tamil Nadu State Transport Corporation (Kumbakonam) Ltd., and others Vs. J.Arumugam and others***), held that there is no provision in the certified Standing Orders enabling the Management to pass orders of recovery at the verge of retirement. When the punishment was imposed in the



year 2015, the Management cannot plead that recovery could not be made on account of the petitioner not having required years of service. When such is the case, the question falling back on Rule 4(1)(e) of Common Service Rules is unacceptable.

8. Since the impugned order is not backed by any Standing Orders or Rules that are applicable, the same cannot be sustained. Accordingly, the impugned order is set aside. Consequently, it is quashed.

9. This Writ Petition is allowed. Since, the amount has already been deducted, the same shall be returned to the petitioner within a period of two weeks from the date of receipt of copy of this order with simple interest at the rate of 6% per annum. No costs.

K.SURENDER, J.
13-11-2025

Jai

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



W³P³N³. 33095 of 2018



To

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Corporation

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Corporation (Coimbatore) Ltd., Rep by

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