



W.A.(MD).No.2742 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 08.01.2025

CORAM

**THE HONOURABLE MR.JUSTICE M.S.RAMESH
AND
THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE**

W.A.(MD).No.2742 of 2024
and
C.M.P.(MD).No.18897 of 2024

The General Manager,
The Tamil Nadu State Transport
Corporation (Kumbakonam) Limited,
Karur Region,
Karur.

... Appellant/Respondent

Vs.

V.Ponnusamy

... Respondent/Petitioner

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, praying to allow the Writ Appeal by setting aside the order made in W.P.(MD).No.8929 of 2023 dated 19.04.2023 on the file of this Court.

For Appellant : Mr.K.Jagadeesbalan

For Respondent : Mr.S.Arunachalam



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JUDGMENT

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(Judgment of the Court was made by M.S.RAMESH,J.)

This Writ Appeal has been filed against the order of the learned Single Judge in W.P.(MD).No.8929 of 2023 dated 19.04.2023.

2. The issue as to whether the unimplemented portion of the punishment order can be recovered from the retirement benefits, has already been settled by this Court in several of its decisions by holding that such a recovery, after the retirement, is impermissible in law. The Writ Court had also placed reliance on one such decision of the Coordinate Bench of this Court in W.A.(MD).No.1272 of 2020 dated 15.06.2021 and had come to the conclusion that such a recovery is impermissible. We do not find any reason to interfere with these findings.

3. The learned Standing Counsel for the appellant Corporation would however submit that during the service period of the respondent/employee, a sum of Rs.6000/- was already recovered from him pursuant to the punishment order and what was yet to be recovered is only Rs.18,000/-.



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4. It is also brought to the notice of this Court that the respondent herein had challenged the original punishment order before this Court in W.P.(MD).No.16757 of 2022 and the same is pending.

5. It is hereby clarified that what the appellants cannot recover from the respondent is only a sum of Rs.18,000/- and not Rs.24,000/-, as claimed in the prayer of the Writ Petition. However, the refund of Rs.6000/-, claimed by the respondent would be subject to the final orders to be passed in W.P.(MD).No. 16757 of 2022.

6. With the above clarification, the Writ Appeal stands dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

(M.S.R.,J.) (A.D.M.C.,J.)
08.01.2025

NCC : Yes / No
Index : Yes / No
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