



W.A.(MD).No.2697 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 07.01.2025

CORAM

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

W.A.(MD).No.2697 of 2024
and
C.M.P.(MD).No.18660 of 2024

Tamil Nadu State Transport
Corporation (Madurai) Ltd.,
Represented by its General Manager,
Madurai Region,
Bye Pass Road,
Madurai.

... Appellant/Respondent

Vs.

P.Pinniappan

... Respondent/Petitioner

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, praying to set aside the order passed in W.P.(MD).No.15755 of 2023 on the file of this Court dated 30.06.2023.

For Appellant : Mr.S.C.Herold Singh

For Respondent : Mr.G.M.Xavier



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JUDGMENT

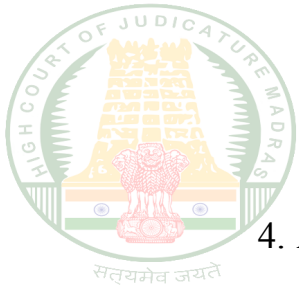
(Judgment of the Court was made by M.S.RAMESH,J.)

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This Writ Appeal has been filed against the order of the learned Single Judge in W.P.(MD).No.15755 of 2023 dated 30.06.2023.

2. The only ground on which the present Writ Appeal has been filed is that the respondent herein is claimed to have given an undertaking for recovery of value of the lost ticket books. We fail to understand as to how based on a mere letter alone, can the appellant Corporation commence the recovery proceedings, without any proper determination of the loss, as well as an order of recovery in this regard. The learned Single Judge has also found that such recovery is impermissible, without any proper order of recovery, which finding cannot be found fault with.

3. This apart, such a recovery process appears to have commenced from an order revoking the respondent's suspension from service. In the absence of any formal order of recovery, the action of the appellant Corporation for recovery is illegal. As such, the respondent herein would be entitled for refund of the entire amount recovered from him pursuant to the order impugned in the Writ Petition.



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4. Accordingly, the Writ Appeal stands dismissed with a direction to the appellant Corporation to forthwith refund the entire amount recovered from the respondent, in any event, within a period of eight (8) weeks from the date of receipt of a copy of this order. There shall be no order as to costs. Consequently, connected miscellaneous petition stands closed.

(M.S.R.,J.) (A.D.M.C.,J.)
07.01.2025

NCC : Yes / No
Index : Yes / No
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