



W.P.(MD) No.13840 of 2021

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.09.2025

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.(MD) No.13840 of 2021

P.Arivalagan

... Petitioner

-vs-

1.The Government of Tamil Nadu
rep.by its Secretary
Transport Department
Secretariat, Chennai-600 009

2.The Managing Director
Tamilnadu State Transport
Corporation (Kumbakonam) Ltd.
Kumbakonam-612 001
Thanjavur District

3.The General Manager
Tamil Nadu State Transport
Corporation (Kumbakonam) Ltd.
Trichy Region
Periyamilaguparai, Trichy

4.The Administrator
Tamil Nadu State Transport
Corporation Pension Fund Trust
Thiruvalluvar Illam
Pallavan Salai, Chennai-600 002

... Respondents



W.P.(MD) No.13840 of 2021

WEB COPY

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of declaration declaring the action of 2nd and 3rd respondents which had been recovered a sum of Rs.1,42,800/- towards non-implementable punishment of increment cut imposed on petitioner as illegal, arbitrary and violative of Article 14 of the Constitution of India and consequently direct the respondents to refund him the recovery amount of Rs.1,42,800/- to him within the stipulated time that may be fixed by this Court.

For Petitioner : Mr.V.Sudhagar Nagaraj

For Respondents : Mr.S.S.Madhavan
Additional Government Pleader for R1
Mr.S.C.Herold Singh
Standing Counsel for R2 & 3rd Respondent

ORDER

This writ petition has been filed for a declaration to declare the action of the respondents 2 & 3 in recovering a sum of Rs.1,42,800/- towards non-implementable punishment of increment cut imposed on the petitioner as illegal, arbitrary and violative of Article 14 of the Constitution of India and a consequential direction is also sought for to the respondents to refund the recovered amount of Rs.1,42,800/- to the petitioner within the time frame to be fixed by this Court.



W.P.(MD) No.13840 of 2021

WEB COPY

2. The petitioner was employed with the respondent – Transport Corporation as a Conductor. According to the petitioner, punishment orders were imposed on him during the course of his employment with the respondent – Transport Corporation. However, the same were non-implementable. According to the petitioner, the act of the respondents 2 & 3 in recovering a sum of Rs.1,42,800/- from him towards non-implementable punishment of increment cut imposed on him is illegal, arbitrary and violative of Article 14 of the Constitution of India. The petitioner seeks for a consequential direction to the respondents to refund the recovered amount of Rs.1,42,800/- to him.

3. A counter affidavit has been filed by the third respondent. The third respondent, in his counter affidavit, would contend that only in accordance with the Rules framed by the respondent – Transport Corporation, the amounts were recovered from the petitioner, on account of several punishment orders imposed on him, while he was in service. The details of the punishments imposed on the petitioner from time to time are also disclosed in the counter affidavit filed before this Court.



W.P.(MD) No.13840 of 2021

WEB COPY

4. The law is now well settled by the various decisions rendered by this Court, which includes the decision of the Division Bench of this Court dated 15.06.2021, passed in W.A.(MD) No.1270 of 2020, in the case of ***The State Express Transport Corporation and others vs. G.Senthil and another***, wherein it has been held that the increment postponement orders, which could not be implemented prior to the superannuation of the employee, can be implemented, but only in accordance with the Common Service Rules and the Certified Standing Orders, which are applicable to the organisation. The Division Bench has further held that when there is no provision in the Certified Standing Orders enabling the Management to pass orders of recovery, as passed in the instant case, the Common Service Rules are not applicable to the workmen.

5. In the instant case also, as per the Certified Standing Orders, there is no provision for recovery of the non-implementable punishment of increment cut imposed on the workmen by the respondent – Transport Corporation. The petitioner is also a workman of the respondent – Transport Corporation as he was a Conductor, who has retired from service. Therefore, in view of the settled law, the relief of declaration sought for by the petitioner



W.P.(MD) No.13840 of 2021

WEB COPY

has to be granted and the consequential direction has to be issued to the respondents to refund the amount recovered from the petitioner, within a time frame to be fixed by this Court.

6. For the foregoing reasons, it is declared by this Court that the action of the respondents 2 & 3 recovering a sum of Rs.1,42,800/- from the petitioner towards non-implementable punishment of increment cut imposed on him is illegal, arbitrary and violative of Article 14 of the Constitution of India and is contrary to the well settled law, which does not permit them to recover the same from the workmen. Accordingly, the writ of declaration as prayed for in this writ petition is granted and a direction is issued to the respondents to refund the recovered amount of Rs.1,42,800/- to the petitioner within a period of twelve weeks from the date of receipt of a copy of this order.

7. Accordingly, this writ petition is allowed. No costs.

10.09.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

krk

Page 5 of 7



W.P.(MD) No.13840 of 2021

WEB COPY

To:
The Secretary,
Transport Department,
Government of Tamil Nadu,
Secretariat, Chennai-600 009.



WEB COPY



W.P.(MD) No.13840 of 2021

ABDUL QUDDHOSE, J.

krk

W.P.(MD) No.13840 of 2021

10.09.2025