



W.P.(MD)No.19472 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.10.2025

CORAM

THE HON'BLE MR.JUSTICE ABDUL QUDDHOSE

W.P.(MD)No.19472 of 2022

and

W.M.P.(MD)Nos.14213 & 14214 of 2022

K.Ganesan

: Petitioner

Vs.

1.The Tamil Nadu State Transport
Corporation (Tirunelveli) Limited,
Rep. by its Managing Director,
Tirunelveli.

2.The General Manager,
The Tamil Nadu State Transport
Corporation (Tirunelveli) Limited,
Tirunelveli Region,
Tirunelveli.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by 2nd respondent



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in Proc.No.5191/AD10/TNSTC/TNV/2020 dated 25.03.2020, quash the same insofar as imposing recovery to the tune of Rs.61,200/- towards monetary value equivalent to non-implemented punishments of increment cuts and recovering the said amount from gratuity, IRT fund payable to the petitioner as illegal, void, without jurisdiction and consequently direct the respondents to refund the recovered amount of Rs.61,200/- to him with interest at 18% per annum payable from 31.03.2020 to till the date on which the above amount are settled to him.

For Petitioner : Mr.A.Rahul
For Respondents : Mr.D.Jebaraj
Standing Counsel

ORDER

This Writ Petition has been filed challenging the impugned recovery order dated 25.03.2020, passed by the second respondent.

2.The impugned recovery order has been issued to recover monetary value equivalent to non implemented punishments of increment cut and recovering the said amount from gratuity and IRT fund payable to the petitioner. The amount recovered by the



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respondents from the petitioner is Rs.61,200/-. Admittedly, the impugned recovery order was issued few days before the petitioner's date of superannuation. The impugned recovery order was issued on 25.03.2020, whereas the date of superannuation of the petitioner is on 31.03.2020.

3.The law is now well settled by the decision rendered by the Hon'ble Supreme Court in the case of ***State of Punjab and others Vs. Rafiq Masih (White Washer)*** reported in (2015) 4 SCC 334, that recovery from retired employees or the employees who are due to retire within one year of the order of recovery is legally impermissible. Admittedly, as stated supra, only few days before the date of superannuation of the petitioner, the impugned recovery order has been issued by the respondents and therefore, it is illegal as it is contrary to the decision rendered by the Hon'ble Supreme Court in ***White Washer's*** case as referred to supra. Since the recovery has already been made from the petitioner pursuant to the impugned recovery order and since the impugned recovery order is illegal necessarily, the amount recovered from the petitioner has to be refunded to the petitioner within a time frame to be fixed by this Court.



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4. For the foregoing reasons, the impugned recovery order dated 25.03.2020 is hereby quashed and this Writ Petition is allowed by directing the second respondent to refund the recovered amount pursuant to the impugned recovery order, to the petitioner, together with interest at the rate of 6% p.a. from the date when the amounts were recovered from the petitioner, within a period of twelve [12] weeks from the date of receipt of a copy of the order. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

29.10.2025

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



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To

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ABDUL QUDDHOSE., J.

MR

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