BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved On : 28.07.2025

Pronounced On : 08.08.2025

CORAM:

THE HONOURABLE DR. JUSTICE A.D. MARIA CLETE

W.P. (MD) No.22302 of 2016

U.Ananthalakshmi,
W/o.Udhayamoorthy,
Senior Grade Assistant (Retired),
Staff No.92AD1008,
Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
Kumbakonam Region,
Residing at:
C-24, Cholan Nagar, Pillaiyarpatti Post,
Vallam, Thanjavur – 613 403.

... Petitioner

Vs.

1. The Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
   Represented by its Managing Director,
   Kumbakonam.

2. The General Manager,
   The Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
   Kumbakonam Region,
   Kumbakonam.

... Respondents

PRAYER in W.P.:

To issue a Writ or Order or Direction or in the nature of Writ of Declaration declaring the action of the Respondents in recovering a sum of Rs.57,500/- for the loss of unused ticket leaves as illegal and arbitrary and consequently direct the respondents to refund the sum of Rs.57,500/- to the petitioner together with interest at the rate of 18% per anuum within the time limit that may be stipulated by this Hon'ble Court and pass such further or other orders as this Hon'ble Court may deem fit and proper in the nature and circumstances of the case and thus render justice.

APPEARANCE OF PARTIES:

For Petitioner : Mr.A.Rahul, Advocate

For Respondents : Mr.S.C.Herold Singh, Standing Counsel

J U D G M E N T

Heard.

2. The petitioner was employed as an Assistant in the Thanjavur Rural Branch of the respondent Corporation. By an order dated 21.05.2015, along with several others, she was permitted to retire on attaining the age of superannuation with effect from 31.05.2015. She was directed to hand over charge and settle her accounts with the Head Office. However, she subsequently came to know that the respondent intended to deduct a sum of Rs.57,500/- from her dues in 15 instalments at the rate of Rs.3,833/- per month. This deduction was stated to be on

account of an incident that occurred on 16.12.2013, during her tenure as a Ticket Controller, wherein a mufassil ticket bundle with a denomination value of Rs.230/- was lost, for which she was held responsible and directed to refund the amount. The petitioner submitted several representations to the respondents objecting to the proposed recovery, but the same elicited no response.

3. The petitioner, therefore, filed the present writ petition. When the matter was taken up on 23.11.2016, notice was accepted by the learned counsel for the respondents. A counter affidavit has since been filed by the 2nd respondent denying the allegations and justifying the recovery. The stand of the Corporation, in brief, is that during the petitioner's tenure as Ticket Book Stock In-charge at Thanjavur Mofussil Branch, 250 ticket leaves of Rs.230 denomination went missing. A charge memo was issued on 07.03.2014; after enquiry, the charge was held proved, and a punishment of Rs. 500 was imposed on 06.09.2014. In addition, the face value of Rs. 57,500/- was recovered as per the Corporation's procedure. The respondents point out that the petitioner, without first challenging either the punishment order or the recovery proceedings before the competent forum, has directly approached this Court seeking a declaration. It is further contended that Clause 29 of the

1995 Section12(3) Settlement, which bars recovery in cases of accident, theft, or riot/dacoity supported by a police complaint, is a concession granted only to conductors, not to other categories of staff. On this basis, the respondents submit that the writ petition is misconceived and that the petitioner, being a workman, has an efficacious alternative remedy before the competent court to challenge both the punishment and the recovery by adducing evidence and substantiating the case.

4. The learned counsel for the petitioner relied on a series of judgments of this Court holding that the respondent cannot recover the face value of a lost ticket bundle and can deduct only the loss corresponding to printing charges, unless it is established that the tickets were fraudulently misused. The learned counsel placed reliance on the judgment of this Court in ***Management of Rani Mangammal Transport Corporation Ltd. (now known as Tamil Nadu State Transport Corporation Ltd.) v. M. Palanisamy,*** reported in ***2008 (1) MLJ 224***. In that case, a Division Bench of this Court held as follows:-

> "4. ….we find that the cumulative effect of the proceedings were to ensure that necessary enquiry should be done in case where loss of unused ticket books is reported, either to defraud the appellant Corporation or such reporting discloses that the concerned conductor was diligent in

> performance of his duty and the loss of ticket books were beyond his control and at the instance of some other extraneous circumstances or by other unscrupulous persons. Therefore, if such was the contemplation of the appellant Corporation, in adopting such a course of holding an enquiry, in respect of the loss of unused ticket book is reported, we are of the view that the very purpose would be defeated, if the recovery of the value of unused ticket books is automatically made whenever loss is reported. In fact, subsequently in 1995 Settlement namely Clause 29 of the said Settlement makes it clear that in the event of loss of ticket books is reported by way of complaint to the Police and such loss had occurred due to accident, theft or robbery, no recovery should be made from the concerned Conductor. The same point of view was very much existing in the earlier proceedings when the appellant corporation prescribed the procedure of holding an enquiry, wherever loss of tickets books are reported.
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> 5.Viewing in that respect, we are in full agreement with the conclusion of the learned single Judge as has been set out in paragraph 8 and 9 of the order impugned in this appeal. For all the above stated reasons, we are convinced that the order impugned in this appeal does not call for interference. We therefore do not find any merit in this appeal."

5. The learned counsel for the petitioner further relied on several other decisions of learned Single Judges of this Court on the same proposition. It is unnecessary to reproduce them in detail as the law is well settled on this issue. The Division Bench in ***Management of Rani Mangammal Transport Corporation Ltd. v. M. Palanisamy*** reported in ***2008 (1) MLJ 224***, held that recovery of the face value of unused ticket

books is impermissible unless there is proof of fraudulent misuse causing actual loss to the Corporation, and that only printing costs may be recovered otherwise. While the respondents have urged that the petitioner, without first challenging the punishment or recovery before the competent forum, has directly sought a declaration, the underlying ratio in re ***Palanisamy*** is grounded in principles of proportionality and proof of loss, which apply to all categories of employees. The essential reasoning that the Corporation cannot, without establishing actual pecuniary loss, recover the entire face value of missing tickets does not depend exclusively on the 1995 Settlement or on the claimant being a conductor. In cases where the impugned action is ex facie without legal basis, this Court may exercise its writ jurisdiction notwithstanding the availability of an alternative remedy.

6. Applying the above ratio to the present case, it is evident that the enquiry findings only establish negligence in safeguarding the tickets, for which the petitioner has already been penalised by a fine of Rs.500/-. There is no material to show that the missing tickets were sold or misappropriated, or that the Corporation suffered a loss equivalent to their face value. The automatic recovery of Rs.57,500/-, being the

notional value of the tickets, is disproportionate, unsupported by proof of actual loss, and cannot be sustained.

7. Hence, the petitioner is entitled to succeed, and accordingly, the writ petition is allowed. However, there shall be no order as to costs. The respondent is directed to refund the sum of Rs.57,500/- to the petitioner within one month from the date of receipt of this order. The request for interest is declined, as the petitioner did not challenge the recovery immediately upon commencement of the deductions.

08.08.2025

Index: Yes / No
Speaking Order / Non-speaking Order
Neutral Citation : Yes / No
LS

Copy to

1. The Managing Director,
Tamil Nadu State Transport Corporation
(Kumbakonam) Ltd., Kumbakonam.

2. The General Manager,
The Tamil Nadu State Transport
Corporation (Kumbakonam) Ltd.,
Kumbakonam Region,
Kumbakonam.

DR. A.D. MARIA CLETE, J.

LS

Pre-delivery Judgment made in
W.P. (MD) No.22302 of 2016

08.08.2025