



WP(MD). No.22154 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 14/08/2025

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THE HONOURABLE MR. JUSTICE M.DHANDAPANI

**WP (MD). No.22154 of 2025
and WMP(MD) No.17583 of 2025**

M.Murugaboopathi

... Petitioner

Vs

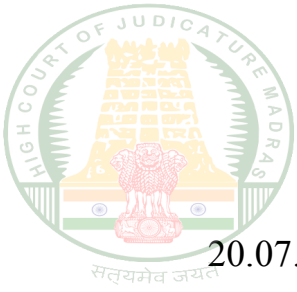
1. The Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
Represented by its Managing Director
Kumbakonam..

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

3. The Assistant Manager (Personnel and Legal),,
the Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
Karaikudi Region, Sivagangai District.

... Respondents

PRAYER :-Writ Petition, filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of CERTIORARIFIED MANDAMUS, calling for the records pertaining to the impugned order passed by 3rd respondent in Ref No. TNSTC/Kumba/Karai/Nir/630 dated



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20.07.2022 in so far as imposing recovery of Rs. 60,000/- against the petitioner towards Non implemented Punishment of stoppage of increments and recovering Rs.60,000/- from the salary of the Petitioner from July 2022 to April 2023 and quash the same as illegal and consequently directing the respondents to refund the recovered amount of Rs.60,000/- to him together with interest at 18 percent per annum payable from 30.06.2023 to till the date on which the above amounts are settled to him.

For Petitioner : Mr.A.Rahul

For Respondents : Mr.SC.Herold Singh

ORDER

By consent of both sides, the writ petition itself is taken up for final disposal at the stage of admission itself.

2. This writ petition has been filed challenging the impugned order passed by 3rd respondent in Ref No. TNSTC/Kumba/Karai/Nir/630 dated 20.07.2022 insofar as imposing recovery of Rs.60,000/- against the petitioner towards Non implemented Punishment of stoppage of



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increments and recovering Rs.60,000/- from the salary of the Petitioner from July 2022 to April 2023 and quash the same as illegal and consequently directing the respondents to refund the recovered amount of Rs.60,000/- to him together with interest at 18 percent per annum payable from 30.06.2023 to till the date on which the above amounts are settled to him.

3. The facts in nutshell is as follows:

The petitioner is a retired employee of the respondent Corporation. However, prior to the retirement, a punishment was imposed on him by stoppage of increments with for two years with cumulative effect. The punishment order was passed on 17.02.2022. He had preferred an appeal before the 1st respondent on 11.03.2022 and 20.06.2025. However, the appeal has not been disposed of. Subsequently, the petitioner was issued with the impugned order of recovery thereby a sum of Rs.60,000/- was sought to be recovered from his salary from July 2022 to April 2023, ie., within one year prior to the date of retirement and the same was recovered. Challenging the same, the petitioner is before this Court.

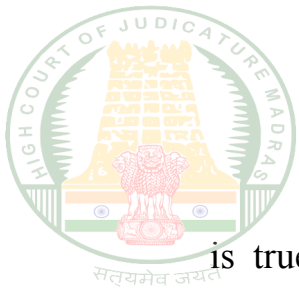


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4. The learned counsel for the petitioner would submit that for non implementation of the punishment, the impugned order was passed on 20.07.2022. When the petitioner, who is going to retire on 30.06.2023, the punishment that has been imposed by stoppage of increments for two years with cumulative effect could not be implemented and for non implementation of the said punishment, the deduction made is not sustainable one. However, he would submit that without converting the punishment at the relevant point of time, deducting a sum of Rs.60,000/- prior to the retirement is impermissible and the issue is covered by the decision of this Court in WA(MD) No.465/2017 etc. batch, wherein it has been held that recovery cannot be made for non implemented punishments and hence, he prays for interference.

5. Per contra, the learned counsel for the respondent would submit that admittedly the petitioner, while working in service was imposed with a punishment of stoppage of increments for two years with cumulative effect on 20.07.2022 and he retired on 30.06.2023, whereas the writ petition is filed only in the year 2025 and there is no proper explanation for the said delay of almost three years. He would further submit that it



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is true that it has been clearly held that when a person retired from service, there is no relationship of master and servant and in the absence of such relationship, no punishment can be imposed. However, in the present case, when the petitioner was in service, he was issued with a punishment and there is a delay of three years in filing the writ petition and hence, he seeks for dismissal.

6. I have considered the rival submissions and perused the materials available on record.

7. It is not in dispute that the petitioner retired on 30.06.2023. While so, he was issued with a punishment by stoppage of two increments with cumulative effect and the punishment was imposed on 17.02.2022. The said punishment was not implemented as the petitioner is about to retire on 30.06.2023 and the petitioner has also preferred an appeal before the 1st respondent. While so, recovery order was passed by recovering a sum of Rs.60,000/- and the said amount has also been recovered. However, for the recovery that has been made by the respondents in the year 2022 and 2023, the petitioner has filed a petition



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in the year 2025, ie., after a lapse of more than two years. When there is no master – servant relationship between the petitioner and the respondents, after retirement, the recovery that has been made by the respondents while the petitioner was in service cannot be challenged. Accordingly, the writ petition is dismissed. No costs. Consequently connected Miscellaneous Petition is closed.

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NCC : Yes/No
Index : Yes/No
RR



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M.DHANDAPANI,J

RR

**ORDER
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Date : 14/08/2025