



WP(MD) No.21723 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE SHAMIM AHMED

WP(MD) No.21723 of 2021

Muthiah

Petitioner

Vs

The Management of
Tamil Nadu Transport Corporation (Kumbakonam) Ltd.,
Karaikudi Region,
rep by its General Manager,
Karaikudi.

Respondent

Prayer:- This Writ Petition has been filed under the Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent to refund the amount Rs.1,50,000/- recovered from the petitioner together with 18% interest p.a.

For Petitioner : Mr.V.R.Arunkumar for
Mr.S.Arunachalam

For Respondent : Mr.K.Jegadeesh Balan
Standing Counsel



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ORDER

This Writ Petition has been filed with the following prayer:-

“to issue a Writ of Mandamus, directing the respondent to refund the amount Rs.1,50,000/- recovered from the petitioner together with 18% interest per annum.”

2. The facts of the case in a nutshell, led to filing of this Writ Petition and necessary for disposal of the same, are as follows:-

a) The petitioner was working as Conductor in the respondent Corporation from 01.04.1990 and after completion of more than 25 years, he was assigned the additional work of Cashier along with another employee, by name Sekaran. Both of them were working at Paramakudi Branch of the respondent Corporation.

b) On 16.01.2015, it was found that an amount of Rs.13,36,090/-, which was the collection amount got from the Conductors and kept in the cash box, was stolen from the Branch Office. However, without verifying the fact that who has stolen the said amount, the petitioner and the said



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Sekaran were directed to pay a sum of Rs.1,50,000/- each. Thereafter, the respondent recovered the said amount from each of the petitioner and Sekaran, without issuing any recovery order or any show cause notice to them, which is illegal, arbitrary and without authority of law. In this regard, the petitioner made several representations to the respondent and the last representation was made on 20.02.2020, copy of which is annexed at page No.9 of the paper book. But the same was not decided by the respondent and is still pending for consideration. Hence, this Writ Petition has been filed seeking the relief as stated supra.

3. Heard Mr.V.R.Arunkumar, learned counsel for Mr.S.Arunachalam, learned counsel for the petitioner and Mr.K.Jegadeesh Balan, learned Standing Counsel for the respondent.

4. The learned counsel for the petitioner, while reiterating the averments made in the affidavit filed in support of this Writ Petition, submits that the respondent may be directed to decide the representation of the petitioner



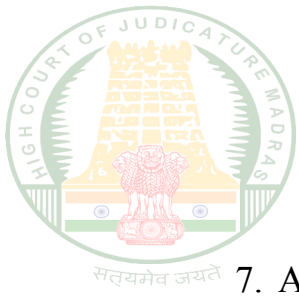
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dated 20.02.2020 by way of a reasoned and a speaking order in accordance with law within the time stipulated by this Court.

5. The learned Standing Counsel for the respondent submits that the petitioner was found guilty for the theft of the amount from the cash box and that is why, recovery of sum of Rs.1,50,000/- was made against the petitioner and one Sekaran, who was involved in the theft. It was further submitted that if the petitioner has any grievances with regard to recovery, he may file a fresh representation before the respondent along with his grievances and claim and the same will be decided by the respondent by way of a reasoned and a speaking order in accordance with law with law within the time stipulated by this Court.

6. After considering the submissions made by the learned counsels for both parties and perusing the records and averments made in the Writ Petition, this Court deems it appropriate that no useful purpose will be served in keeping this Writ Petition pending before this Court.



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7. Accordingly, the petitioner is directed to file a fresh representation before the respondent detailing his claim and grievances annexing a copy of the representation dated 20.02.2020 within a period of four weeks from today. If any such representation is filed by the petitioner before the respondent as per the time stipulated by this Court, the respondent is directed to consider the same and pass a reasoned and a speaking order and in accordance with law, within a period of two months from the date of receipt of such representation and shall communicate the decision to the petitioner through Registered Post with Acknowledgement Due (RPAD) within a period of two weeks thereafter.

8. With the aforesaid directions, the Writ Petition is finally disposed of.

No costs.

Index :Yes/No
Web :Yes/No
NCC :Yes/No
Speaking/Non Speaking

04.03.2025

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To
The General Manager,
Management of
Tamil Nadu Transport Corporation (Kumbakonam) Ltd.,
Karaikudi Region,
Karaikudi.



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SHAMIM AHMED, J.

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