



WP(MD)Nos.26892 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON : 24.07.2025

PRONOUNCED ON : 12.08.2025

CORAM:

THE HONOURABLE MR.JUSTICE SHAMIM AHMED

WP(MD)Nos.26892 and 26893 of 2022
WMP(MD)Nos.21066 and 21079 of 2022

A.Purusothaman, S/o.Arumugam
Driver Staff No.89DR006, No.42, Keelatheru
Sethurayankudikadu Post, Orathanadu Taluk
Thanjavur

Petitioner-Both WPs

Vs

1. The Managing Director, the Tamil Nadu State Transport Corporation
(Kumbakonam) Limited, Kumbakonam, Thanjavur
 2. The General Manager, the Tamil Nadu State Transport Corporation
(Kumbakonam) Limited, Kumbakonam Region, Thanjavur
 3. The Administrator, the Tamil Nadu State Transport Corporation
Employees Pension Fund Trust, Thiruvalluvar Illam,
Pallavan Salai, Chennai-2
- Respondents-Both WPs

Prayer:- WP.No.26892 of 2022:- This Writ Petition has been filed, under the Article 226 of the Constitution of India, to issue a Writ of Certiorari and Mandamus, to call for the records relating to the entry in Reference No.TNSTC/Kumba/Nir8/238/2022, dated 25.06.2022 made in the Service Book of the Petitioner, reducing his pay from Rs.27,700/- to Rs.25,300/- and insisting him to remit Rs.2,64,082.10/- towards the alleged excess pay



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received by him and to quash the same and to forbear the Respondents from insisting the Petitioner to remit Rs.2,64,082.10/- towards the alleged excess pay received by him and consequently to direct the Respondents to settle all the terminal benefits payable to the Petitioner by taking into account his last drawn pay as Rs.27,700/- instead of Rs.25,300/-.

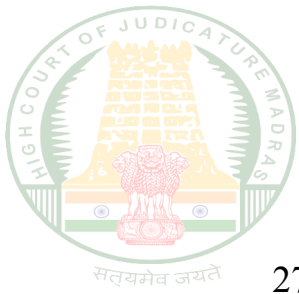
Prayer:- WP.No.26893 of 2022:- This Writ Petition has been filed, under the Article 226 of the Constitution of India, to issue a Writ of Declaration, declaring the action of the Respondents in imposing recovery on the Petitioner to the tune of Rs.2,08,800/- towards monetary value equivalent to 'unimplemented punishments of stoppage of increments' as illegal and unconstitutional and consequently to direct the Respondents to settle all the terminal benefits to the Petitioner, including gratuity, leave salary, commuted value of pension, social security scheme amount and refund of his contribution made towards medical, engineering and polytechnic colleges without making any recovery, together with interest at the rate of 6% p.a. payable from the date of retirement to till the date, on which the above amount are settled to the Petitioner.

For Petitioner (s) : Mr.A.Rahul

For Respondent(s) : Mr.S.C.Herold Singh, Standing Counsel

COMMON ORDER

1. WP.No.26892 of 2022 has been filed, to issue a Writ of Certiorari and Mandamus, to call for the records relating to the entry in Reference No.TNSTC/Kumba/Nir8/238/2022, dated 25.06.2022 made in the Service Book of the Petitioner, reducing his pay from Rs.



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- 27,700/- to Rs.25,300/- and insisting him to remit Rs.2,64,082.10/- towards the alleged excess pay received by him and to quash the same and to forbear the Respondents from insisting the Petitioner to remit Rs.2,64,082.10/- towards the alleged excess pay received by him and consequently to direct the Respondents to settle all the terminal benefits payable to the Petitioner, by taking into account his last drawn pay as Rs.27,700/- instead of Rs.25,300/-.
2. WP.No.26893 of 2022 has been filed, to issue a Writ of Declaration, declaring the action of the Respondents in imposing recovery on the Petitioner to the tune of Rs.2,08,800/- towards monetary value equivalent to 'unimplemented punishments of stoppage of increments' as illegal and unconstitutional and consequently to direct the Respondents to settle all the terminal benefits to the Petitioner, including gratuity, leave salary, commuted value of pension, social security scheme amount and refund of his contribution made towards medical, engineering and polytechnic colleges, without making any recovery, together with interest at the rate of 6% p.a. payable from the date of retirement to till the date, on which the above amount are settled to the Petitioner.
3. Both the above Writ Petitions are filed by the Petitioner against the

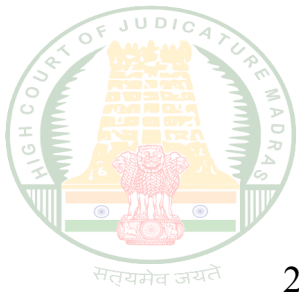


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action of the Respondents. Thus, both the above Writ Petitions are being heard and decided together.

4. The facts of the case, in a nutshell, led to filing of these Writ Petitions, as set out in the affidavits filed in support of these Writ Petitions and necessary for disposal of same, are as follows:-

- a) The Petitioner had joined the services of the 1st Respondent Corporation as a Driver on 19.10.1989 and he was dismissed from service on 10.06.2003. Thereafter, pursuant to the Settlement entered into under Section 18(1) of the Industrial Disputes Act, the Petitioner was reinstated in service on 24.08.2011. By proceedings, dated 15.10.2015, the Petitioner was imposed with the punishment of stoppage of annual increment for three years with cumulative effect for his negligent driving on 19.08.2014.
- b) The Petitioner retired on 30.06.2022 on attaining the age of superannuation. As on 17.04.2020, his basic pay was Rs.27,700/-. Without issuing any notice, his basic pay was reduced from Rs. 27,700/- to Rs.25,300/- with effect from 25.06.2022, as per the proceedings of the Respondents in Reference No.TNSTC/Kumba/Nir8/238/2022, dated 25.06.2022. The Petitioner was sanctioned with a monthly pension of Rs.6749/- by taking the basic pay of Rs.



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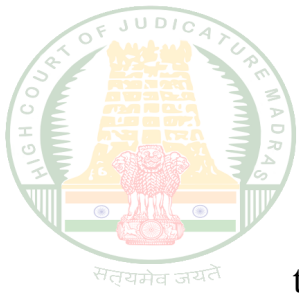
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25,300/-. Till date, the terminal benefits are not settled to the Petitioner. The 2nd Respondent insisted the Petitioner to remit a sum of Rs.2,64,082.10/- towards the alleged excess pay received by him.

- c) The Respondents have also sought to recover a sum of Rs.2,08,800/- towards monetary value equivalent to non implemented punishments of stoppage of increment. The Petitioner also made representations dated 11.08.2022 and 14.11.2022, requesting the Respondents to settle his terminal benefits, without making any recovery. So far, the Respondents have not passed any orders. Hence, contending that the action of the Respondents in insisting the Petitioner to remit a sum of Rs.2,08,800/- towards monetary value equivalent to the unimplemented punishments of stoppage of increment and to pay a sum of Rs.2,64,082.10/- towards the alleged excess pay received by him, is completely unsustainable in law and relying on various decisions of the Honourable Supreme Court and the High Courts, passed in similar circumstances, the present Writ Petitions have been filed, seeking the prayers, as stated above.

5. In the counter affidavit filed by the Respondents, it is stated as under:-

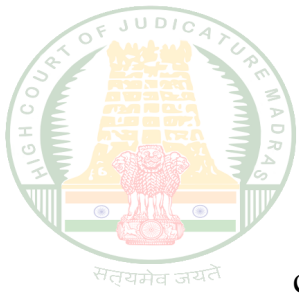
- a) All the employees in the Respondent Corporation are governed by



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the Common Service Rules and the Certified Standings Orders of the Respondent Corporation. The Petitioner was appointed as a Driver on 19.10.1989 and dismissed from service on 10.06.2003. He was reinstated into service on 24.08.2011 as per the 18(1) Settlement dated 12.08.2011, with continuity of service and without back wages. After one year from the date of reinstatement, the Petitioner was, inadvertently and wrongly, given invalid annual increments for the years 2012 to 2015, namely, (a) Increment in August 2012 (Rs.7855-Rs.8150), (b) Increment in August 2013 (Rs. 8150-Rs.8450), (c) Increment in September 2014 (Rs.8450-Rs.9010) 12(3) Settlement and (d) Increment in March 2015 (Rs.9010-Rs. 9340). Thus, Petitioner was wrongly paid an excess amount upto May 2022 to the tune of Rs.2,64,082.10 /-.

- b) Before the reinstatement, on several occasions, the Petitioner was imposed with the punishments of stoppage of increment for 12 years and 9 months with cumulative effect and 1 year without cumulative effect and that punishments were not implemented and only after implementation of the said punishments, provision of increment must be considered. Hence, the above said increments paid to the Petitioner were invalid increments. Accordingly, the Management



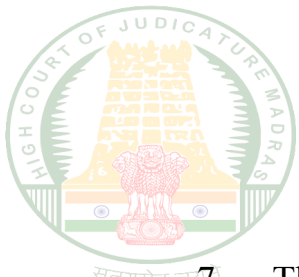
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calculated the excess amount paid to the Petitioner and simultaneously arrived at the New Basic Pay at Rs.25,300/- by the impugned entry made in the Service Book of the Petitioner. Hence, the Petitioner has to remit back the excess amount to the Management and thus, the Petitioner cannot claim the previous basic pay of Rs.27,700/-, instead of retirement basic of Rs. 25,300/-.

c) The Petitioner was allowed to retire from service on 30.06.2022, after attaining the age of superannuation and the Respondent Management was unable to effect the punishments of stoppage of increment on 31.12.2002, 28.02.2003, 19.03.2003, 15.10.2015 and 30.06.2017. Thus, the total amount to be recovered for the unimplemented punishments of stoppage of increment from the Petitioner was arrived at Rs.2,08,800/-. In view of the above circumstances, the Respondents are entitled to recover the said amounts from the Petitioner as per the Combined Service Rules and the Standing Orders of the Respondent Corporation and consequently, the present Writ Petitions are liable to be dismissed.

6. This Court heard A.Rahul, the learned counsel for the Petitioner and Mr.S.C.Herold Singh, the learned Standing Counsel for the Respondents.



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7. The learned counsel for the Petitioner, reiterating the averments made in the affidavit filed in support the present Writ Petitions, has submitted that no recovery can be made from a retired employee or from an employee, who is going to retire within one year of service and that no punishment can be imposed after retirement and that the action of the Respondents in imposing recovery towards “Non-implemented increment cut” is illegal and violative of Article 14 of the Constitution of India, as there is no provision in the Standing Orders of the Respondent Corporation and as it is settled law that the punishment of stoppage of increment cannot be converted into one as recovery from an employee, after his retirement.
8. The learned counsel for the Petitioner has further submitted that the impugned entry reducing the pay of the Petitioner made in the Service Book of the Petitioner, had been made, without giving sufficient opportunity or show cause notice to the Petitioner, thereby violating the principles of natural justice and that when there was no misrepresentation or fraud on the part of the Petitioner for receiving the excess amount, recovery of the same cannot be permissible in law. The learned counsel would further submit that the amount cannot be recovered from the Pensioner, even if an excess amount has been paid



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by way of either mistake or wrong fixation or inadvertently and hence, the impugned entry, reducing the basic pay of the Petitioner from Rs.27,700/- to Rs.25,300/-, dated 25.06.2022 made in the Service Book of the Petitioner and the action of the Respondents in insisting the Petitioner to remit a sum of Rs.2,08,800/- towards monetary value equivalent to the unimplemented punishments of stoppage of increment and to pay sum of Rs.2,64,082.10/- towards the alleged excess pay received by him, are not permissible in law and thus, the learned counsel prayed this Court to allow the present Writ Petitions, as prayed for.

9. In support of his contentions, the learned counsel for the Petitioner has relied on the following decisions:-

i. 2015 4 SCC 334 (State of Punjab Vs. Rafiq Masih (White Washer) and others.

ii. 2009 3 SCC 475 (Syed Abdul Qadir Vs. State of Bihar)

iii. Common Judgement and order, dated 30.06.2017 made in WA(MD)No.465 of 2017 Batch Etc. (The Management of Tamil Nadu State Transport Corporation Vs. J.Arumugam and others)) of the Division Bench of the Madurai Bench of the Madras High Court.

iv. Judgement and order, dated 26.07.2019 made in WP(MD)No.20358 of 2014 (C.Rajeswari Vs. The Accountant General (A&E), Chennai and others) of the Madurai Bench of the Madras High Court.



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WEB COPY v. *Judgement and order, dated 21.03.2025 made in WP(MD)No.10132 of 2021 (L.Annamalai Vs. The Accountant General (A&E), Chennai and others) of the Madurai Bench of the Madras High Court.*

10. The learned Standing Counsel for the Respondents has submitted that after one year from the date of reinstatement of the Petitioner, the Petitioner was, inadvertently and wrongly, given invalid annual increments for the years 2012 to 2015 to the tune of Rs.2,64,082.10/- and that before the reinstatement, the Petitioner was imposed with the punishments of stoppage of increment for 12 years and 9 months with cumulative effect and 1 year without cumulative effect and that punishments were not implemented and only after implementation of the said punishments, provision of increment must be considered and that after the Petitioner attained the age of superannuation on 30.06.2022, the Respondent Management was unable to effect the punishments of stoppage of increments, for which, the total amount to be recovered from the Petitioner was arrived at Rs.2,08,800/- and hence, as per the Common Service Rules and the Certified Standing Orders, the action of the Respondents in recovering the said amounts from the Petitioner is in order and hence, the present Writ Petitions are not sustainable and consequently, the Respondents are entitled to



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recover the said amounts from the Petitioner and the present Writ Petitions are liable to be dismissed.

11. The learned counsel for the Petitioner, reiterating the averments made in the rejoinder affidavit, has further submitted that the Common Service Rules cannot be made applicable to the workmen and that there is no provision in the Certified Standing Orders to impose recovery towards non implemented punishments of stoppage of increment and hence, the impugned action of the Respondents to recover the above said amounts from the Petitioner is illegal.
12. I have given my careful and anxious consideration to the contentions put forward by the learned counsel on either side and also perused the entire materials available on record.
13. On perusal of the records, it is seen that admittedly, the Petitioner had joined the services of the 1st Respondent Corporation as a Driver on 19.10.1989 and he was dismissed from service on 10.06.2003 and he was reinstated into service on 24.08.2011. The Petitioner retired on 30.06.2022. As on 17.04.2020, his basic pay was Rs.27,700/-. His basic pay was reduced from Rs.27,700/- to Rs.25,300/- with effect from 25.06.2022, by the impugned entry. The Respondents insisted the Petitioner to remit a sum of Rs.2,64,082.10/- towards the alleged



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excess pay received by him and also sought to recover a sum of Rs. 2,08,800/- towards monetary value equivalent to non implemented punishments of stoppage of increment. Till date, the terminal benefits are not settled to the Petitioner.

14. According to the Petitioner, the Respondents are not entitled to recover the alleged sums, when he was about to retire within a year and after his retirement. On the other hand, it is the case of the Respondents that the Petitioner has to remit the said sums, as he was paid with invalid increments and also for non implemented punishments of stoppage of increment, as per the CSR and Standing Orders of the Respondent Corporation.
15. Be that as it may, firstly, it is to be seen that whether there was sufficient opportunity or show cause notice given to the Petitioner before passing the impugned entry of reducing the basic pay made in the Service Book of the Petitioner. There is no material evidence to show that the Petitioner was given sufficient opportunity or show cause notice before passing the said impugned order. Thus, it is established that the Petitioner was not given sufficient opportunity or a show cause notice at all before passing the impugned order and the Respondents fail to produce any documents in this regard. Hence, the

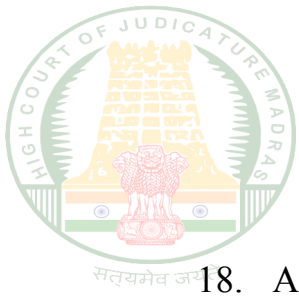


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impugned order is in violation of principles of natural justice. On this ground, the impugned order is vitiated.

16. Secondly, even assuming that there was sufficient opportunity or show cause notice given to the Petitioner, it is to be seen as to whether the impugned entry reducing the basic pay of the Petitioner from Rs.27,700/- to Rs.25,300/-, dated 25.06.2022 made in the Service Book of the Petitioner and the action of the Respondents in insisting the Petitioner to remit a sum of Rs.2,08,800/- towards the monetary value equivalent to the unimplemented punishments of stoppage of increment and also to pay sum of Rs.2,64,082.10/- towards the alleged excess pay received by him, are permissible in law, when the Petitioner was about to retire within a year and after his retirement or whether there is any misrepresentation or fraud on the part of the Petitioner for receiving the excess pay.
17. In this case, admittedly, the Petitioner retired on 30.06.2022. The impugned order reducing the basic pay is dated 25.06.2022. Till date, terminal benefits are not settled to the Petitioner by the Respondents, alleging that the Petitioner has to pay the excess pay received by him and also the sum towards non implementation of the punishments of stoppage of increments.



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18. At this juncture, in the above said facts and circumstances, it would be appropriate to refer to the decision of the Honourable Supreme Court rendered in the case of *State of Punjab Vs. Rafiq Masih (White Washer) and others, reported in 2015 4 SCC 334*, on the question of permissibility of the Respondents/Recovering Authorities to recover the excess payments. In the said decision, the Honourable Supreme Court had summarized a few situations of hardship that may be faced by a Government Servant/Employee on the issue of recovery and held to be impermissible in law. Among these situations, (i) recovery from the employees belonging to Class III and Class IV (Group C and Group D) Categories, (ii) recovery from the retired employees or the employees, who are due to retire within one year and (iii) recovery from the employees when the excess payment has been made for a period in excess of five years, before the order of recovery is issued, etc. are some of the situations, which were held to be impermissible in law in the above said decision.
19. In **2015 4 SCC 334 (State of Punjab Vs. Rafiq Masih (White Washer) and others**, the Honourable Supreme Court, was pleased to observe as under:-



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“12. It is not possible to postulate all situations of hardship, which would govern employees on the issue of recovery, where payments have mistakenly been made by the employer, in excess of their entitlement. Be that as it may, based on the decisions referred to herein above, we may, as a ready reference, summarise the following few situations, wherein recoveries by the employers, would be impermissible in law:

(i) Recovery from employees belonging to Class-III and Class-IV service (or Group 'C' and Group 'D' service).

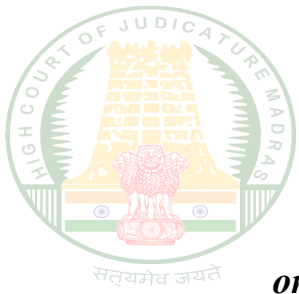
(ii) Recovery from retired employees, or employees who are due to retire within one year, of the order of recovery.

(iii) Recovery from employees, when the excess payment has been made for a period in excess of five years, before the order of recovery is issued.

(iv) Recovery in cases where an employee has wrongfully been required to discharge duties of a higher post, and has been paid accordingly, even though he should have rightfully been required to work against an inferior post.

(v) In any other case, where the Court arrives at the conclusion, that recovery if made from the employee, would be iniquitous or harsh or arbitrary to such an extent, as would far outweigh the equitable balance of the employer's right to recover.”

20. The present case is squarely covered by two of the situations summarised by the Honourable Supreme Court referred to above, namely, *recovery from retired employees, or employees who are due to retire within one year, of the order of recovery and secondly, in any other case, where the Court arrives at the conclusion, that recovery if made from the employee, would be iniquitous or harsh*



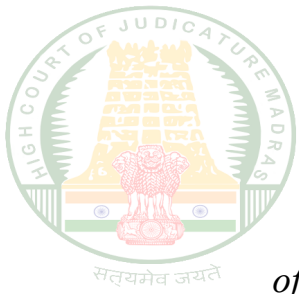
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or arbitrary to such an extent, as would far outweigh the equitable balance of the employer's right to recover, inasmuch as, in the present case, admittedly when the Petitioner was due to retire on 30.06.2022, the impugned order reducing the basic pay was passed on 25.06.2022, which was just five days before the retirement of the Petitioner and after his retirement, his terminal benefits were denied on the ground that the Petitioner has to pay the excess pay received by him. In view of the law laid down by the Honourable Supreme Court as stated supra, the impugned order, reducing the basic pay and the action of the Respondents, contemplating recovery of the excess payment, cannot be legally sustained.

21. In the Judgement and order, dated 30.06.2017 made in WA(MD)No. 465 of 2017 Batch Etc. (The Management of Tamil Nadu State Transport Corporation Vs. J.Arumugam and others), the Division Bench of the Madurai Bench of the Madras High Court was pleased to observe as under:-

“36. In the preceding paragraphs, we have mentioned that the Management cannot effect such orders of recovery against retired employee, as there is no such provision under the Certified Standing Orders or in the Common Service Rules.

37. Thus, the Management, having failed to convert the punishment of stoppage of increment to that of order of recovery



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of monetary value, when the workmen were in service, it cannot turn around and say that those orders could be implemented by invoking Clause 25 (iv) (b) of the Certified Standing Orders. ”

22. In 2009 3 SCC 475 (Syed Abdul Qadir Vs. State of Bihar), the

Honourable Supreme Court was pleased to observe as under:-

“59. Undoubtedly, the excess amount that has been paid to the appellants - teachers was not because of any misrepresentation or fraud on their part and the appellants also had no knowledge that the amount that was being paid to them was more than what they were entitled to. It would not be out of place to mention here that the Finance Department had, in its counter affidavit, admitted that it was a bona fide mistake on their part. The excess payment made was the result of wrong interpretation of the rule that was applicable to them, for which the appellants cannot be held responsible. Rather, the whole confusion was because of inaction, negligence and carelessness of the officials concerned of the Government of Bihar. Learned counsel appearing on behalf of the appellants-teachers submitted that majority of the beneficiaries have either retired or are on the verge of it. Keeping in view the peculiar facts and circumstances of the case at hand and to avoid any hardship to the appellants-teachers, we are of the view that no recovery of the amount that has been paid in excess to the appellants-teachers should be made.”

23. In 2022 1 CTC 736 (R.Jeyaprakash Vs. Executive Officer), the

Madurai Bench of the Madras High Court was pleased to observe as under:-

“40.The ratio to be gleaned is that the facts and circumstances of every case have to be examined and appreciated on their own merit to discern whether the re-fixation and recovery in question was warranted or justified. Exceptional circumstances that call for complete justice must be taken note of while



deciding the fate of the action initiated.

41. The take-away thus, is that the duty of the Court must be to balance whether the re-fixation and recovery ordered is iniquitous or unfair on the one hand or whether the corresponding right of the employer to recover the amount is greater on the other hand, in effect, whether the recovery has 'a harsh and arbitrary effect on the employee'. In deciding so, the Court must bear in mind that the concerned employee would normally not have any vested right in the excess amount received by him. It is upon an application of those principles that the present case must be decided."

24. In the judgement and order, dated 26.07.2019 made in WP(MD)No.20358 of 2014 (C.Rajeswari Vs. The Accountant General (A&E), Chennai), the Madurai Bench of the Madras High Court was pleased to observe as under:-

"3. This Court is of the opinion that the family pension cannot be recovered from the family pensioner, even if an excess amount has been paid by way of either mistake or wrong fixation. This apart, the monetary benefits cannot be recovered from the family pensioner, without providing any show cause notice or opportunity to the person affected.

5. The writ Petitioner is a family pensioner and there was no misrepresentation or otherwise on the part of the writ Petitioner, even there was no undertaking in this regard. Under these circumstances, the impugned order of recovery is untenable and the excess payment already paid to the writ Petitioner cannot be recovered from the writ Petitioner. This being the factum, the following orders are passed:

i. The impugned order of recovery, dated 14.11.2014, passed by the second respondent, is quashed.



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ii. *The respondents are directed to fix the correct scale of pay as applicable to the writ Petitioner's husband and accordingly, pay the revised family pension and continue the pay to the writ Petitioner with reference to the pension rules in force."*

25. In the Judgement and order, dated 21.03.2025 made in WP(MD)No.10132 of 2021 (L.Annamalai Vs. The Accountant General (A&E), Chennai and others) of the Madurai Bench of the Madras High Court, this Court was pleased to observe as under:-

"20. In the present case, admittedly, the alleged excess pension amount had been paid to the Petitioner inadvertently, for which, the Petitioner cannot be held responsible. The Petitioner had no knowledge that the amount that was being paid to him was more than what he was entitled to. It is also pertinent to note that unless it is established that the said excess payment was made due to misrepresentation or fraud on the part of the Petitioner, recovery of the same cannot be permitted. Admittedly, in the present case, it is not the case of the Respondents that there was misrepresentation or fraud on the part of the Petitioner for receiving the excess pension amount. In such view of the matter, this Court is of the view that at this stage, recovery of excess payments made from the Petitioner, when he retired from service very long back, would entail harsh consequences and would be iniquitous and arbitrary."

26. In the present case, admittedly, the alleged excess pay was made to the Petitioner inadvertently, for which, the Petitioner cannot be held responsible. The Petitioner had no knowledge that the amount that was being paid to him was more than what he was entitled to. It is



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also pertinent to note that unless it is established that the said excess payment was made due to misrepresentation of fraud on the part of the Petitioner, recovery of the same cannot be permitted. Admittedly, in the present case, it is not the case of the Respondents that there was misrepresentation or fraud on the part of the Petitioner for receiving the excess pay. In such view of the matter, this Court is of the view that at this stage, recovery of excess pay made to the Petitioner, when he was about to retire within a year and when he retired from service, would entail harsh consequences and would be iniquitous and arbitrary.

27. Further, once there is a cessation of employment, there will be either no payment of salary or increment to the employee in future. Punishment of stoppage of increment can be made only from the wages and there will be no wages to an employee after his retirement. It is well settled that no punishments can be made after retirement. In this case, while the Petitioner herein was in service, the Respondent Management failed to convert the punishments of stoppage of increments into one as recovery. No conversion of punishment of stoppage of increment into one as recovery after retirement is permissible in law. There is also no provision in the Standing Orders



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of the Respondent Corporation for making non-implemented punishments of stoppage of increment. Therefore, this Court finds no reason to exercise its judicial discretion exercising judiciously so as to justify the claim of the Respondents to recover the excess pay paid to the Petitioner and the amount towards non implementation of punishments of stoppage of increment.

28. To sum and substance, in this case, as stated above, the Petitioner was not given a sufficient opportunity or show cause notice, before making the impugned entry of reduction in pay in the Service Book of the Petitioner, which was made in the Service Book of the Petitioner on 25.06.2022, which was just five days before the retirement of the Petitioner on 30.06.2022. Punishment of stoppage of increment can be made only from the wages and there will be no wages to an employee after his retirement. While the Petitioner herein was in service, the Respondent Management failed to convert the punishments of stoppage of increments into one as recovery. No conversion of punishment of stoppage of increment into one as recovery after retirement is permissible in law. There is also no provision in the Standing Orders of the Respondent Corporation for implementing non-implemented punishments of stoppage of



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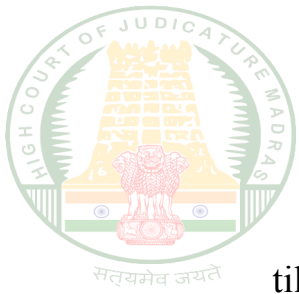
increment. It is not the case of the Respondents that the Petitioner has wilfully suppressed or misrepresented any material fact for receiving the enhanced pension. Since it is stated by the Respondents that the excess pay was paid inadvertently to the Petitioner, the Petitioner cannot be made responsible for the same. Therefore, the act of the Respondents in initiating recovery proceedings is completely unsustainable in law and consequently, no recovery of the amount that has been paid in excess to the Petitioner, should be made. Therefore, there is no merits whatsoever in the claim of the Respondents to recover the excess pay paid to the Petitioner and the amount towards non implementation of punishments of stoppage of increment. Thus, the impugned entry, reducing the basic pay, which was passed just five days before the retirement of the Petitioner and the consequential action of the Respondents, contemplating recovery of the excess pay made to the Petitioner and the amount towards non implementation of punishments of stoppage of increment and in not paying the retirement benefits to the Petitioner after his retirement, cannot be legally sustained. In such view of the matter, the present Writ Petitions are liable to be allowed. Further, when retirement benefits are delayed, they are required to be paid along with



reasonable interest.

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29. In the result, in the light of the observations and the discussions made above and in the light of the decisions referred to above, the abovae two Writ Petitions **are allowed**, as prayed for.
30. The impugned entry in Reference No.TNSTC/Kumba/Nir8/238/2022, dated 25.06.2022 made in the Service Book of the Petitioner, reducing his pay from Rs.27,700/- to Rs.25,300/- and insisting him to remit Rs.2,64,082.10/- towards the alleged excess pay received by him **is hereby quashed**.
31. The Respondents are forbearred from insisting the Petitioner to remit Rs.2,64,082.10/- towards the alleged excess pay received by him.
32. The action of the Respondents in imposing recovery on the Petitioner to the tune of Rs.2,08,800/- towards monetary value equivalent to 'unimplemented punishments of stoppage of increments' is illegal and against the settled principles of law.
33. Consequently, the Respondents are directed to pay all the terminal benefits payable to the Petitioner, by taking into account his last drawn pay as Rs.27,700/-, instead of Rs.25,300/- and also arrears of salary, if any, with interest at 6% p.a. from the date of his retirement



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till the date of payment to the Petitioner. The Respondents shall return back the amount, if any recovered from the Petitioner, with interest at 6% p.a. from the date of such recovery till the date of payment. All the above payments be made to the Petitioner, within a period of eight weeks from the date of receipt of a certified copy of this order, by the Respondents.

34. There is no order as to costs. Consequently, the connected Writ Miscellaneous Petitions are closed.

12.08.2025

Index:Yes.No
Web:Yes.No
Speaking.Non Speaking
Neutral Citation
Srcm

To

1. The Managing Director, the Tamil Nadu State Transport Corporation (Kumbakonam) Limited, Kumbakonam, Thanjavur
2. The General Manager, the Tamil Nadu State Transport Corporation (Kumbakonam) Limited, Kumbakonam Region, Thanjavur
3. The Administrator, the Tamil Nadu State Transport Corporation Employees Pension Fund Trust, Thiruvalluvar Illam, Pallavan Salai, Chennai-2



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SHAMIM AHMED, J.

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Pre-Delivery Order in
WP(MD)Nos.26892 and
26893 of 2022

12.08.2025