



WP(MD). No.25167 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 22/09/2025

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THE HONOURABLE MR. JUSTICE K.KUMARESH BABU

WP(MD). No.25167 of 2025

K.Seenipandi

... Petitioner

Vs

1. The Managing Director,  
Tamil Nadu State Transport Corporation,  
New Railway Feeder Road,  
Kumbakonam..

2. General Manager,,  
Tamil Nadu State Transport Corporation (Kum) Ltd,  
Marudhapathi,  
Karaikudi..

3. Incharge, Personnel and Administration Section,  
Tamil Nadu State Transport Corporation (Kum) Ltd,  
Marudhapathi,  
Karaikudi.

... 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 relating to the impugned Tha.Aa.Po.Ka./ Kumba /Karai /



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Nir/A3 / 624 /2025 dated 15.07.2025 and quash the same and consequently to direct the respondents to settle the pensionary and terminal benefits with 12 percentage interest per annum till the date of settlement.

For Petitioner : Mr. K S Muthu,  
Advocate.

For Respondents : Mr.K.Ramaiah  
Standing Counsel

### ORDER

This writ petition has been filed for a Writ of Certiorarified Mandamus calling for the records relating to the impugned Tha.Aa.Po.Ka./ Kumba /Karai / Nir/A3 / 624 /2025 dated 15.07.2025 and quash the same and consequently to direct the respondents to settle the pensionary and terminal benefits with 12 percentage interest per annum till the date of settlement.

2. The learned Counsel for the petitioner would submit that the petitioner had joined as a conductor in the respondent Transport Corporation and also he was superannuated from service on 30.06.2025.



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3. He would further submit that the petitioner had been imposed with eight orders of punishment of stoppage of increment with cumulative effect and the said order was not enforced. It is not the fault of the petitioner, the respondents have failed to implement the order of punishment. He further submits that the Division Bench of this Court in W.A.(MD).No.465 of 2011 had held that recovery towards monetary value equivalent to the un-punishment cannot be made either from salary or gratuity, if there are no provisions in the standing orders of the Corporation. The said judgement has also been affirmed by the Hon'ble Apex Court in SLP.Diary No.1755 of 2018 dated 09.02.2019. In a further writ petition in W.P.(MD).No.7558 of 2020, where similar relief was granted, was also affirmed by the Hon'ble Division Bench of this Court in W.A.(MD).No.1270/2020. He would submit that the recovery had been made at the verge of his retirement. Therefore, he would approach this court to set aside the order dated 15.07.2025 and direct the respondents to refund the amount deducted along with interest at rate of 12% per annum.



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4. The learned Standing Counsel appearing for the respondents would submit that the petitioner had been involved in various delinquencies, hence, he had been imposed with punishment recurrently. The petitioner has imposed with 9 punishments out of which one punishment is stoppage of increment with cumulative effect. He would further submits that as per the 13<sup>th</sup> wage settlement which was entered upon on 14.01.2018, there is a provision for recovering money equivalent to the unimposed punishment of stoppage of increments and therefore he would submit that the petitioner cannot claim that there is no authority for the management to recover the said amount. Hence, he prays to dismiss the writ petition.

5. I have carefully considered the submissions made by the learned Counsels appearing on either side and perused the material available on record.

6. The Division Bench of this Court in W.A.(MD).No.1270 of 2020 dated 15.06.2021 had also considered the 13<sup>th</sup> wage settlement clause relied upon by the respondent and thereafter had held that such



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power should have been incorporated in the certified standing orders only then such recovery could be made. Admittedly, there is no certified standing orders with regard to the same. Hence, this Court following the judgement of the Hon'ble Division Bench as stated supra, finds no impediment in ordering the writ petition as prayed for. This Court is not inclined to grant interest at the rate of 12% as prayed for. However, the respondents are directed to refund the sum of Rs.86,400/- along with interest at the rate of 6% per annum within a period of twelve weeks from the date of receipt of a copy of this order.

7. With the above observations, this writ petition is allowed. No costs.

22.09.2025

NCC : yes / no  
Index : yes / no  
Internet : yes / no

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**K.KUMARESH BABU, J.**

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To

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ORDER  
IN

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Date : 22/09/2025