



W.P.(MD).No.31543 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 28.01.2025

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.31543 of 2024

K.Veluchamy

... Petitioner

Vs

1. The Managing Director,
Tamil Nadu State Transport Corporation (Madurai) Limited.,
Byepass Road,
Madurai.

2. The General Manager,
Tamil Nadu State Transport Corporation (Madurai) Limited.,
Byepass Road,
Dindigul.

...Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the Respondents herein to pay the Petitioner a sum of Rs.1,24,077/- recovered from his gratuity towards monetary value of unimplemented punishment of stoppage of increment cut with interest at the rate of 12% by considering his representation dated 23.11.2024 within the time stipulated by this Court and for other reliefs.

For Petitioner

: Mr.J.Lawrance

For Respondents

: Mr.Gladson Michael Rajadurai



W.P.(MD).No.31543 of 2024

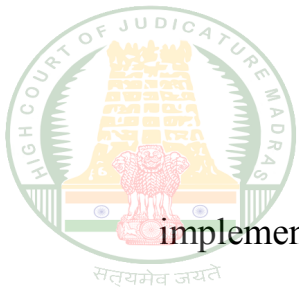
ORDER

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The instant writ petition has been filed by a retired selection grade conductor of the respondent transport corporation seeking a mandamus, to refund a sum of Rs.1,24,077/- which was recovered from his gratuity amount along with interest at the rate of 12% based upon the representation of the petitioner dated 23.11.2024.

2. A perusal of the records reveal that the petitioner has attained superannuation on 28.02.2017 and at the time of his retirement a sum of Rs.1,24,077/- was recovered from his gratuity. The petitioner was not aware of the reason for the said recovery and he has sought for information under the Right to Information Act. The respondent corporation by its communication dated 30.11.2023 informed the petitioner that the said amount was recovered from his gratuity toward un-implemented punishment of stoppage of increment cut.

3. According to the learned Counsel appearing for the writ petitioner, the Hon'ble Division Bench of this Court in a judgement in W.A.(MD).No.1270 of 2020 dated 15.06.2021 had categorically held that there is no provision in the Certified Standing Orders or in the service regulations for recovery of un-



W.P.(MD).No.31543 of 2024

implemented punishment of stoppage of increment cut from the retired transport corporation employee. Hence he sought for refunding the above said amount to the writ petitioner.

4. Per contra, the learned standing counsel appearing for the respondent transport corporation had relied upon a communication dated 27.02.2017 and contended that the petitioner was made aware of the disbursement of the terminal benefits including the recovery. However, without challenging the said proceedings, the present writ petition is not maintainable. He further contends that the petitioner was imposed with a punishment of stoppage of increment. Since the said order of punishment could not be implemented due to superannuation of the writ petitioner, the un-implemented portion of the punishment is sought to be recovered from his gratuity. Therefore, the order of recovery is very much sustainable.

5. I have carefully considered the submissions made on either side and perused the materials available on record.

6. As rightly contended by the learned Counsel appearing for the writ petitioner, the Hon'ble Division Bench of this Court in a judgement in W.A.



W.P.(MD).No.31543 of 2024

(MD).No.1270 of 2020 dated 15.06.2021 has categorically held that there is no provision in the Certified Standing Orders at the verge of retirement or after retirement proposing to recover the un-implemented postponement of increment and such orders are without jurisdiction.

7. In view of the orders of the Division Bench of this Court, this Court directs the respondents to refund a sum of Rs.1,24,077/- along with interest at the rate of 6% from the due date till the date of disbursement within a period of twelve (12) weeks from the date of receipt of a receipt of a copy of this order.

8. With the above said observations, this writ petition is disposed of. No costs.

28.01.2025

NCC : Yes/No
Index : Yes/No
Internet: Yes/No
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W.P.(MD).No.31543 of 2024

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W.P.(MD).No.31543 of 2024

R.VIJAYAKUMAR, J.

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W.P.(MD)No.31543 of 2024

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