



WEB COPY

WP No. 6972 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-03-2026

CORAM

THE HON'BLE MS. JUSTICE P.T. ASHA

**WP No. 6972 of 2026
and WMP No.7584 of 2026**

M.Malar Selvam (Rtd Staff No.CR1482)
S/o.Marimuthu,
No.49/2, Nadu Street, Jari Kondalam Patti,
Kondalampatti, Salem,
Salem District.

..Petitioner(s)

Vs

1. Tamil Nadu State Transport Corporation
Rep by its Managing Director,
Salem Limit,
Salem- 636 007.
2. Tamil Nadu State Transport Corporation
Rep by its Assistant Manager (Personal),
Salem Limit,
Salem- 636 007.

..Respondent(s)

PRAYER: Writ Petition has been filed under Article 226 of Constitution of India praying to issue a writ of certiorarified mandamus to call for the records of the 2nd Respondent in Ku,No.E10/ TNSTC (Salem) / 2024 dated 01.04.2024,and action of the respondents in recovering Rs.3,28,800 /- from the petitioner towards monetary value equivalent to non-implemented Punishment of increment cuts, quash the same and Consequently direct the respondents to forthwith pay the petitioner the recovered amount of Rs.3,28,800 /- with 12 percent interest payable from 30.11.2023 to till the date on which the above amount is settled to him.



For Petitioner(s):
For Respondent(s):

Mr.N.Desinghu
Mr.K.Raja, Standing Counsel

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ORDER

The petition has been filed to call for the records of the 2nd Respondent in Ku,No.E10/ TNSTC (Salem) / 2024 dated 01.04.2024, and action of the respondents in recovering Rs.3,28,800 /- from the petitioner towards monetary value equivalent to non-implemented Punishment of increment cuts, quash the same and Consequently direct the respondents to forthwith pay the petitioner the recovered amount of Rs.3,28,800 /- with 12 percent interest payable from 30.11.2023 to till the date on which the above amount is settled to him.

2. The petitioner was appointed as Conductor in the respondents Corporation on 02.07.1984 and was attaining his age of superannuation on 30.04.2024. At the time of his superannuation, he was serving as Selection Grade Senior Driver at Erumapalaiyam-I Depot in the respondent Corporation. While so, a month prior to his retirement, the impugned order dated 01.04.2024 was passed by the second respondent recovering a sum of Rs.3,28,800/- towards unimplemented punishments. Challenging the same, the petitioner is before this Court.

3. The very same issue is already covered by a judgment dated 13.03.2024 of this Court made in W.P.No.2998 of 2017, wherein, this Court



relied upon the orders of a Hon'ble Division Bench of this Court in the case of *State Transport Corporation rep. By Managing Director vs. Senthil and another* and ultimately, held as follows:

“11. On perusal of the above judgment, it is clear that the respondents are not empowered under Standing Orders who passed orders for recovery at the verge of the retirement proposing to recover the unimplemented orders of punishment of postponement of increment, is wholly without jurisdiction and the said decision is squarely applicable in the present case also.”

4. The above decision applies squarely to the case in hand also. Accordingly, by following the judgment stated supra, this Court is inclined to issue following orders:

(i) The order bearing No. Ku, No. E10/ TNSTC (Salem) / 2024 dated 01.04.2024 passed by the second respondent is hereby quashed; and

(ii) The respondents are directed to pay the recovered amount of Rs. 3,28,800/- with 12% interest from 30.11.2023 till the date of payment, within a period of six weeks from the date of receipt of a copy of this order.

With the above directions, this writ petition is allowed. Consequently, connected miscellaneous petition stands closed. No costs.

04-03-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
ssa



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P.T.ASHA, J.
ssa

To
1.Managing Director,
Tamil Nadu State Transport Corporation
Salem Limit,
Salem- 636 007.

2.Assistant Manager (Personal),
Tamil Nadu State Transport Corporation
Salem Limit,
Salem- 636 007.

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