IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-01-2026

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THE HONOURABLE MR JUSTICE M.DHANDAPANI

WP No. 47056 of 2025
and
WMP No. 52582 OF 2025

N.Raju

Petitioner

Vs

Tamil Nadu State Transport
Corporation
Represented by its Managing Director,
12, Ramakrishnan Salai, Salem-626 637

Respondent(s)

PRAYER Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records on the file of the respondent in its proceedings TNSTC (S) ACt / CO 1 / 23572 / 2014 dated 26.05.2025 and to quash the same a illegal and without jurisdiction and further direct the respondent to pay retirement benefits to the petitioner.

For Petitioner(s): Mr.M.Vishnu

For Respondent(s): Mr.K.Raja
Standing Counsel

ORDER

This writ petition has been filed, challenging the impugned order of the respondent dated 26.05.2025 and seeking a direction to the respondent to release the retirement benefits due to the petitioner.

2.The case of the petitioner is that he was employed as a Driver in the respondent Corporation at Salem District from 05.03.1997 till superannuation on 31.10.2013. On the date of his retirement, the petitioner was a senior driver. At the time of his initial appointment, the petitioner was engaged on a daily basis and was paid Rs.20/- per day. Subsequently, his pay was revised and fixed at Rs.575/- per month as basic salary, and annual increments were granted based on his performance. While in service, the petitioner actively involved in union activities, and on account of such involvement, the respondent levelled a charge against him alleging unauthorised absence, made baseless accusations, and collected fines from him under that pretext. Lastly, the petitioner received a bonus on 01.11.2001, and the next increment due on 01.11.2002 was not effected. On 30.11.2013, the petitioner received a letter from the Tamil Nadu State Transport Corporation bearing KU.EN.E.No.8/2384, stating that he was liable to pay a sum of Rs.1,96,800/- towards an alleged offence said to have been committed during his service. The said letter further stated that unless the petitioner remitted the alleged amount, his retirement benefits would not be processed. The petitioner is unaware of the authority under which such a demand was made and his retirement benefits were withheld. After permitting the petitioner to retire on 31.10.2013, the respondent has illegally foisted a demand of Rs.1,96,800/-, claiming it to be a penalty recoverable from his salary, which is wholly arbitrary and without justification. The petitioner, due to his advanced age, is unable to maintain his family without the payment of his retirement and pensionary benefits. The entire procedure followed by the respondent is illegal and no notice was ever served on the petitioner. Consequently, the petitioner filed W.P No.23572 of 2014, which was disposed of on 06.02.2025, directing the respondent to give a personal hearing to the petitioner as to why the aforesaid amount recovered from the benefit of the petitioner should not be withheld.

3.Pursuant to the order of this Court, the respondent passed an order vide proceedings dated 26.05.2025 without considering any facts or the representation given by the petitioner. On 22.05.2025, the respondent had called for a personal hearing, during which the petitioner elaborately explained the facts pertaining to the charges famed against him, including the allegation of unauthorised absence and baseless accusations. Curiously, the order dated 26.05.2025 was passed even without granting the petitioner sufficient time to place his objections on record. A perusal of the impugned order would clearly indicate that the hearing conducted on 22.05.2025 was a mere eyewash. Evidently, the order dated 26.05.2025 was pre-decided and even the submissions made by the petitioner were not considered. The petitioner subsequently brought these facts to the notice of the respondent by way of a representation dated 15.07.2025, requesting a fair opportunity. The hearing concluded on 22.05.2025 cannot be treated as compliance with the order of this Court. Challenging the said impugned order, the present writ petition has been filed.

3.The learned counsel for the petitioner would submit that the petitioner retired from service on 31.10.2013. However, after more than a decade, on 26.05.2025, the respondent passed the impugned order, directing recovery of a sum of Rs.1,96,800/- from the petitioner's pension on the ground that the punishment imposed against the petitioner was not implemented prior to his retirement, which is wholly inconsistent and unsustainable. The said issue has already been decided by this Court in W.P No.23572 of 2014, wherein it has been held as follows:

> *Considering the fact that the impugned order insofar as recovery of Rs.1,96,800/- has been made without prior notice to the petitioner, this Court is inclined to dispose this writ petition by directing the respondent to give a personal hearing to the petitioner as to why the aforesaid amount recovered from the benefit of the petitioner should not be withheld. The petitioner shall give a proper reply. Refund of the aforesaid amount shall be subject to the final out come of the proceedings of the respondent. This exercise shall be carried out by the respondent within a period of three months from the date of receipt of a copy of this order.*

Hence, he prayed to allow the writ petition.

4.The learned Standing Counsel for the respondent filed a counter affidavit, wherein it is stated as follows:

Paragraph.3:During the course of his employment, the petitioner committed several acts of misconduct, and the Corporation imposed various punishments for such misconducts. While certain punishments were implemented during his service, some punishments remained unimplemented at the time of his superannuation.

Pragraph 4:The unimplemented punishments including stoppage of increment for a period of 196 months with cumulative effect and 9 months without cumulative effect which were pending as on the date of his superannuation on 31.10.2013.

Paragraph.6: Rule 91 of the Common Service Rule of the Corporation is as follows:

> "91. Discipline and Appeal Rules:
>
> In the matter of Discipline and Appeal, the Discipline and Appeal Rules as given in Annexure-V and as may be amended by the Board from time to time shall be followed.

5.This Court has carefully considered the submissions made on either side and perused the materials available on record.

6. It is not in dispute that the petitioner retired from service on 31.10.2013 and that the impugned order directing recovery from the petitioner's pension was passed only on 26.05.2025, nearly a decade after his superannuation. The respondent has failed to point out any statutory authority enabling recovery of the alleged amount from the pensionary benefits after permitting the petitioner to retire without initiating or concluding disciplinary proceedings in accordance with law. The hearing conducted on 22.05.2025 was merely a formality and a pre-determined exercise, without any real opportunity being afforded to the petitioner to place his objections or have his submissions considered. It was a mere eyewash and cannot be treated as compliance with the principles of natural justice. The respondent cannot seek to implement unexecuted punishments after the petitioner's retirement, when the issue already stood considered by this Court in earlier proceedings.

7. Further, the Hon'ble Supreme Court, in the case of ***State of Punjab & Others etc. Vs. Rafiq Masih (White Washer) and Others,*** reported in ***2015 (4) SCC 334*** had categorically held that the recovery of excess salaries from the employees belonging to Class III and Class IV service is impermissible in law.

8. It is settled proposition that the principles of natural justice requires issuance of prior show cause notice, proposing such a recovery and calling for

the objections of the employees on the proposal. In the absence of such a show cause notice, the order of recovery cannot be sustained. On this ground also, the impugned order is liable to be set aside.

9. Accordingly, this writ petition is allowed. The respondent is directed to disburse all the pensionary and retirement benefits due to the petitioner, without any recovery, within a period of six weeks form the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

05-01-2026

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

The Managing Director,
Tamil Nadu State Transport
Corporation
No.12, Rmaakrishnan Salai,
Salem 626 637

M.DHANDAPANI J.
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