

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.06.2015

CORAM:

THE HONOURABLE MR.JUSTICE D.HARIPARANTHAMAN

W.P.No.16669 of 2015

and M.P.No.1 of 2015

R.K.Manian

... Petitioner

-Versus-

1.The General Manager,
Tamil Nadu State Transport Corporation,
[Salem] Limited,
Head Office (Division-I),
Salem 636 007.

2.The Officer In charge,
Anna Transport Corporation Employees
Provident Fund Trust,
Tamil Nadu State Transport Corporation
(Salem) Limited,
Salem 636 007.

3.The Deputy Manager (Admin.,),
Tamil Nadu State Transport Corporation
(Salem) Limited,
Salem 636 007.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India for the relief of issuance of Writ of certiorarified Mandamus, calling for the records relating to the proceedings of the 3rd respondent dated 25.4.2014 and the proceedings of the 2nd respondent dated 31.5.2014 made in No.E8/1887/TNSTC (Salem)/2014 and Ref. No. 11838/PF-2/TNSTC (Salem)/14 and to quash both the orders and consequently direct the respondents to disburse all the retiral benefits viz. pension gratuity surrender leave salary and other terminal benefits etc. legitimately due to the petitioner without insisting for the payment of the employers contribution of Provident Fund paid to him at the first instance of termination with huge interest component amounting to Rs.1 31 255/- in one instalment as a condition precedent for disbursement of terminal benefits and also direct the respondents to pay the petitioner his retiral benefits with interest @ 12% for the belated payment from the date on which they were due and payable to the date of payment duly deducting the employer's contribution of PF already paid and to pay the balance amount due.

For petitioner : Ms.S.Girija

For Respondents : Mr.P.Paramasivados

ORDER

The petitioner was working as an Assistant Technician in the respondent corporation. He joined service in the year 1981. While so, he was removed from service on 25.09.1997. At that time, the workmen of the respondent corporation were not governed by the pension scheme. The pension scheme came into effect w.e.f. 01.09.1998. Hence, the provident fund contributions including the contributions made by the corporation was settled to the petitioner at the time of his removal. Later on, he was reinstated in service on 01.01.2008 pursuant to the court order. Thereafter, he retired from service on 30.04.2014. Under the pension scheme, the employer contribution was diverted to the pension fund and the pension is paid from the aforesaid fund. While so, the respondent corporation has issued the impugned order dated 31.05.2014 directing the petitioner to refund the sum of Rs.36,991/- towards employer's contribution which he received pursuant to termination, with compound interest of Rs.94,254/-. Challenging the above said proceedings, the petitioner is now before this court with this writ petition.

2. I have heard the submissions made on either side.

3. The learned counsel for the petitioner would submit that the petitioner is yet to be settled the pension, gratuity and other terminal benefits on the ground that he has not repaid the amount of Rs.1,31,255/- being employer's contribution including compound interest, which was settled to him at the time when he was removed from service.

4. Though the writ petition is for a larger relief, the learned counsel for the petitioner during the course of hearing would confine his submission that the petitioner would be satisfied if a direction is issued to the respondent to settle pension and other benefits after adjusting the amount payable by the petitioner.

5. The learned standing counsel for the respondents would, on instructions from the respondents, fairly concede to the request of the learned counsel for the petitioner.

6. Considering the submissions made by the learned counsel on either side and taking into consideration of the facts and circumstances of the case, this court directs the respondents to settle the pension, commutation of pension, gratuity, surrender leave salary, etc., payable to the petitioner on account of his retirement from service with interest as per law, after adjusting the amount of Rs.1,31,255/- received by the petitioner towards employer's contribution including interest within a period of six weeks from the date of

receipt of a copy of this order. This writ petition is, accordingly, disposed of. No costs. Consequently, connected MP is closed.

Sd/-
Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

kmk

To

- 1.The General Manager,
Tamil Nadu State Transport Corporation,
[Salem] Limited,
Head Office (Division-I),
Salem 636 007.
- 2.The Officer In charge,
Anna Transport Corporation Employees
Provident Fund Trust,
Tamil Nadu State Transport Corporation
(Salem) Limited,
Salem 636 007.
- 3.The Deputy Manager (Admin.),
Tamil Nadu State Transport Corporation
(Salem) Limited,
Salem 636 007.

1 cc to M/s.P. Paramasivadoss, Sr. 30380
1 cc to Ms.S.Girija, Advocate, Sr. 30487

सत्यमेव जयते

W.P.No.16669 of 2015

AK (CO)
kk 15/7

WEB COPY