

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 21.07.2015

CORAM:

THE HONOURABLE MR. JUSTICE D.HARIPARANTHAMAN

Writ Petition No.21678 of 2015
and M.P. No.1 of 2015

S. Kandasamy

.. Petitioner

vs.

1. The Managing Director
Tamil Nadu State Transport Corporation
(Salem) Ltd., Head Office
12, Ramakrishna Road
Salem-636 007.
2. The General Manager
Tamil Nadu State Transport Corporation
(Salem) Ltd.,
12, Ramakrishna Road
Salem-636 007.
3. The Assistant Manager (PF & PEN)
Tamil Nadu State Transport Corporation
(Salem) Ltd.,
12, Ramakrishna Road Salem-636 007.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, for the issuance of a Writ of Certiorarified Mandamus to call for the records connected with the impugned proceedings dated 09.05.2014 passed by the 3rd respondent in Letter No.991/PEN1/TNSTC (SALEM)/2014, quash the same 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 with 12% rate of interest for the belated payment from the date on which they were due and payable to the date of payment.

For Petitioner : Ms. S. Girija
For Respondents: Mrs. R.K. Gandhi
Standing Counsel.

O R D E R

The petitioner joined the service of the respondent Corporation on 20.04.1983. While so, he was dismissed from service on certain allegations on 01.09.1998, after conducting an enquiry.

2. The petitioner took up the non-employment before the Labour Court, Salem in I.D.No.220 of 2000. The Labour Court passed an award dated 15.10.2003 in I.D.No.220 of 2000, directing the respondent Corporation to reinstate the petitioner with continuity of service and other attendant benefits, but without backwages.

3. The respondent Corporation filed Writ Petition No.33411 of 2014, questioning the aforesaid award of the Labour Court. However, the said writ petition was dismissed as infructuous on 10.04.2013, taking note of the fact that the petitioner reached the age of superannuation on 30.04.2012.

4. The grievance of the petitioner is that he was not paid the terminal benefits. He made a representation to the respondents to pay the terminal benefits. The third respondent passed the impugned order dated 09.05.2014, stating that the petitioner shall pay employer's contribution for getting the pension. As per the said impugned order, the petitioner shall pay a sum of Rs.1,31,933/- towards employer's contribution and Rs.80,166/- towards the interest thereon. In total, the petitioner was directed to pay a sum of Rs.2,12,099/- so as to get pension.

5. Learned counsel for the petitioner submitted that the respondent Corporation may be directed to pay the pension and the aforesaid amount may be adjusted from the arrears of pension payable from the date of his retirement. The learned counsel for the Management has no objection for the said course of action, since it would not cause any prejudice to the respondent Corporation.

6. In these circumstances, the writ petition is disposed of, directing the respondents to pay pension to the petitioner from the date of his retirement, after adjusting the amount payable towards employer's contribution and the interest payable thereon and also to pay gratuity, surrender leave salary and other terminal benefits with interest as per the Rules and in the absence of the Rules providing for interest, the interest shall be paid as per the judgment of a Division Bench of this Court in Government of Tamil Nadu, rep. by the Secretary to Government vs. Deivasigamani, reported in 2009 (3) MLJ 1, within a period of eight weeks from the date of receipt of a copy of this order. No costs. Consequently, M.P. No.1 of 2015 is closed.
ATR

s/d-

Assistant Registrar

True Copy

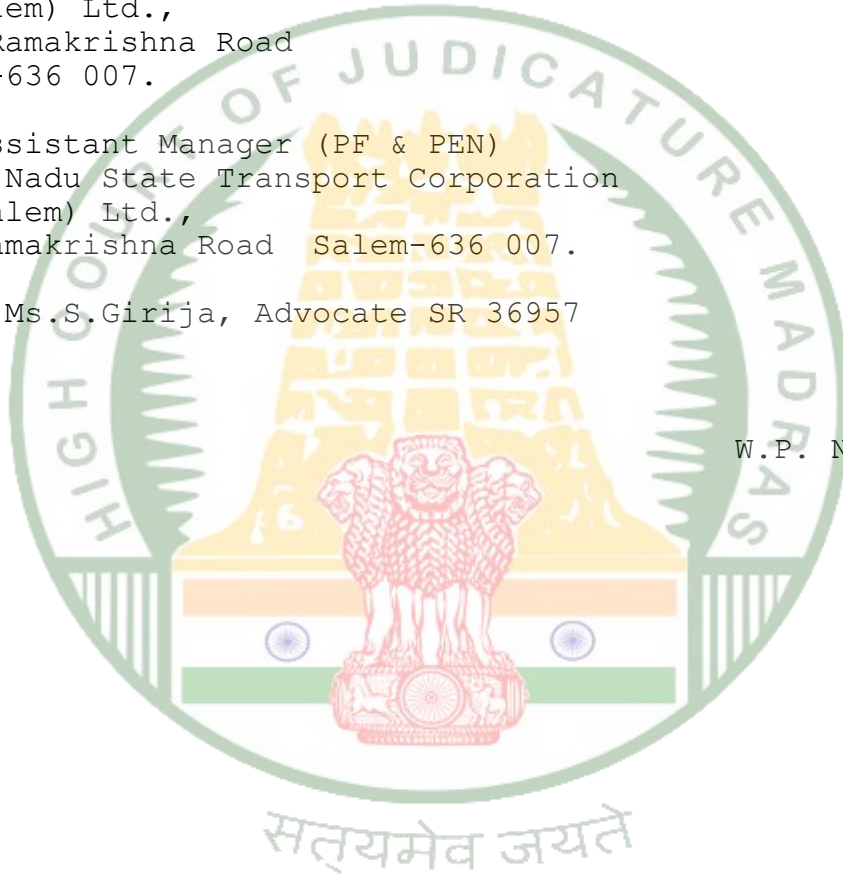
Sub-Assistant Registrar

Copies to

1. The Managing Director
Tamil Nadu State Transport Corporation
(Salem) Ltd., Head Office
12, Ramakrishna Road
Salem-636 007.
 2. The General Manager
Tamil Nadu State Transport Corporation
(Salem) Ltd.,
12, Ramakrishna Road
Salem-636 007.
 3. The Assistant Manager (PF & PEN)
Tamil Nadu State Transport Corporation
(Salem) Ltd.,
12, Ramakrishna Road Salem-636 007.
- + 1 cc to Ms.S.Girija, Advocate SR 36957

tej(co)
prk31/7

W.P. No. 21678 of 2015



WEB COPY