

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.03.2015

CORAM:

THE HONOURABLE MR. JUSTICE K.K.SASIDHARAN

W.P.No.19987 of 2014

E.Kandasamy

...Petitioner

Vs.

- 1.Tamilnadu State Transport Corporation (Villupuram) Ltd.,
Rep. by its Managing Director,
Vazhuthareddy, Villupuram.
- 2.The General Manager,
Tamilnadu State Transport Corporation (Villupuram) Ltd.,
Vellore Region, Rangapuram, Vellore.
- 3.The Administrator,
Tamilnadu State Transport Corporations
Employees Pension Fund Trust,
Pallavan Salai, Chennai.
- 4.K.Sellammal

...Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus, directing the respondents 1 to 3 to settle forthwith the terminal benefits together with interest at the rate of 12% per annum to the petitioner.

For Petitioner : Mr.V.Ajoy Khose

For Respondents: Mr.P.Kannan Kumar for R1 to R3
Mr.R.Subramanian for R4

W E B C O P Y
O R D E R

The petitioner was employed as Conductor in the erstwhile Pallavan Transport Corporation. Thereafter, he was transferred to Pattukottai Transport Corporation with headquarters at Vellore. The petitioner on attaining the age of superannuation retired from service on 31.05.2013. However, his retirement benefits were not settled by the Tamilnadu State Transport Corporation on account of a Civil Suit filed by the fourth respondent against him in O.S.No.199 of 2013 on the file of learned District Munsif, Namakkal. The petitioner submitted a representation to respondents 1 to 3 requesting to release his retirement benefits on account of his retirement. However, there was no follow up action taken by the Corporation, resulting in filing this writ petition.

2. Heard the learned counsel for parties.

3. There is no dispute that the petitioner retired from service on attaining the age of superannuation on 31.05.2013. The fact that the 4th respondent has filed a suit against the petitioner in O.S.No.199 of 2013 cannot be a reason to retain the benefits payable to him. Respondents 1 to 3 would be justified only in case an interim order is passed by the Civil Court in O.S.No.199 of 2013 restraining them from paying the retirement benefits to the petitioner. So long as there is no such restraint order, respondents 1 to 3 cannot be heard to say that they would not pay the benefits to the petitioner. I am therefore of the view that the issue requires consideration by the first respondent.

4. The respondents 1 and 2 are directed to consider the representation submitted by the petitioner dated 13.01.2014 taking into account his retirement on 31.05.2013. Such exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order.

5. It is made clear that order passed by the respondents 1 and 2 releasing the amount to the petitioner would be subject to the result of the Civil Suit in O.S.No.199 of 2013.

6. The Writ petition is disposed of with the above direction. No costs.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

To

1. Tamilnadu State Transport Corporation (Villupuram) Ltd.,
Rep. by its Managing Director,
Vazhuthareddy, Villupuram.
2. The General Manager,
Tamilnadu State Transport Corporation (Villupuram) Ltd.,
Vellore Region, Rangapuram, Vellore.

3.The Administrator,
Tamilnadu State Transport Corporations
Employees Pension Fund Trust,
Pallavan Salai, Chennai.

+1 cc to Mr.V.Ajaykhose, Advocate,SR.14935.

ev(co)
krd 30/3

W.P.No.19987 of 2014



WEB COPY