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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.10.2016

CORAM :

THE HONOURABLE DR.JUSTICE S.VIMALA

W.P(MD)No.20197 of 2016

T.Pandiyammal

... Petitioner

vs.

The General Manager,
Tamil Nadu State Transport Corporation,
(Madurai) Ltd.,
Madurai Region,
Madurai.

... Respondent

Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondent to cancel the decision taken by the respondent ordering recovery of Rs.98,325/- from the family welfare fund based on petitioner's representation dated 18.01.2016 within the time that may be stipulated by this Hon'ble Court.

For Petitioner : Mr.G.M.Xavier
For Respondent : Mr.A.Jayaram

ORDER

This Writ of Mandamus has been filed to direct the respondent to revoke the decision taken by the respondent ordering recovery of Rs.98,325/- from the family welfare fund, based the on petitioner's representation dated 18.01.2016 within the time that may be stipulated by this Court.

2.The petitioner's husband A.Thandiyappan joined the services of the respondent Corporation as Conductor with effect from 23.12.1994; he was promoted as Special Grade Conductor; he was working within the Madurai city branch and completed more than 20 years of service; he died on 24.06.2015 due to Heart attack; thereafter, the respondent has sent a notice dated 01.01.2016 to the petitioner, proposing to order recovery of Rs.98,325/- from the Family Benefit Fund of the petitioner's husband; in this regard, the petitioner has submitted a detailed explanation on 18.01.2016 contending that in terms of the certified Standing Orders, the respondent has no right to recover the amount from the Family Benefit Fund; that representation was not considered and therefore, the petitioner has filed this writ petition.



3.The learned standing counsel appearing for the respondent would submit that it is agreeable for the respondent to consider the representation of the petitioner dated 18.01.2016 and to pass orders.

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4.Recording the submission made by the learned standing counsel appearing for the respondent, this Writ Petition is disposed of directing the respondent to consider the representation of the petitioner dated 18.01.2016 in the light of the provisions of the certified Standings Orders and to pass appropriate orders on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar(AS)

/True Copy/

Sub Assistant Registrar

nbi

To

The General Manager,
Tamil Nadu State Transport Corporation,
(Madurai) Ltd.,
Madurai Region,
Madurai.

+lcc to Mr.G.M.Xavier Advocate Sr.No.62693

JAM/15.11.16/GSV-PM/ 2p-3c

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