

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.02.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.4376 of 2017

M.Krishnasamy

..Petitioner

Vs

1.Neyveli Lignite Corporation Limited,
Rep. By its Chief Manager,
Bus Service,
Corporate Office,
Neyveli 607 801,
Cuddalore District.

2.Neyveli Lignite Corporation Limited,
Rep. By its Additional Chief Manager,
Bus Service,
Corporate Office,
Neyveli 607 801,
Cuddalore District.

...Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the respondents to sanction and disburse all the terminal benefits payable to the petitioner pursuant to the order of compulsory retirement passed against him on 04.03.2009 by the second respondent after deducting the House Building Advance payable by the petitioner to the corporation within a time limit.

For Petitioner : Mr.P.Ganesan

For Respondents: Mr.A.Nithiyanandam

O R D E R

By consent, the writ petition is taken up for final disposal. Mr.A.Nithiyanandam, learned standing counsel accepts notice for the respondents.

2 The petitioner in the affidavit filed in support of the petition has stated among other things that the land and building belonging to his family was acquired by Neyveli Lignite Corporation Limited for the purpose of their extension activities as a result, he was selected to the post of Trainee Bus Cleaner during the year 1990 and claims to have been discharged his duties diligently. The petitioner would further averred that during the year 2007, he was issued a charge memo alleging that the certificates produced by him relating to educational qualification was bogus. By order dated 04.03.2009, he was compulsorily retired from service.

3 The petitioner made challenge to the order of superannuation in W.P.No.5232 of 2009 which was also ended in dismissal on 04.04.2013. The petitioner did not make any further challenge to the said order and it has become final. The grievance now expressed by the petitioner is that though he was compulsorily retired, it appears to be that as per the communication of the second respondent dated 30.09.2014, a sum of Rs.3,72,610.37 towards house building allowance loan and interest is due and payable by the petitioner. Learned counsel appearing for the petitioner would submit that the petitioner also submitted his representation dated 10.10.2014 to the first respondent in person and on instructions, would submit that out of the terminal benefits due and payable to the petitioner, the house building allowance loan and interest thereon could be adjusted and that the remaining amount shall be paid to the petitioner.

4 Heard the submissions of the learned Standing counsel appearing for respondents.

5 Though the petitioner prayed for a larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner, directs the respondents to consider the claim of the petitioner as to the adjustment of the housing board allowance loan outstanding amount and interest amount from and out of the terminal benefits due and payable to him and pass appropriate orders within a period of eight weeks from the date of receipt of this order and communicate the decision taken to the petitioner. It is also open to the petitioner to submit a fresh

representation in this regard. As and when the said representation is received, it shall be given disposal by the respondents within the time limit as indicated above. The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

vri

To

1. The Chief Manager,
Neyveli Lignite Corporation Limited,
Bus Service,
Corporate Office,
Neyveli 607 801,
Cuddalore District.
2. The Additional Chief Manager,
Neyveli Lignite Corporation Limited,
Bus Service,
Corporate Office,
Neyveli 607 801,
Cuddalore District.

+1cc to Mr.Ganesan, Advocate, S.R.No.11211

W.P.No.4376 of of 2017

RR(CO)
RS(07/04/2017)

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