



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :20.12.2017

CORAM:

WEB COPY

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.16859 of 2014

A.Vasanth

... Petitioner

Vs.

1. The Chairman and the Managing Director,
Tamilnadu Warehousing Corporation,
No.82, Annasalai,
Guindy, Chennai-32.

2. The Ware House Manager,
Tuticorin Port Trust Office,
Tuticorin.

... Respondents

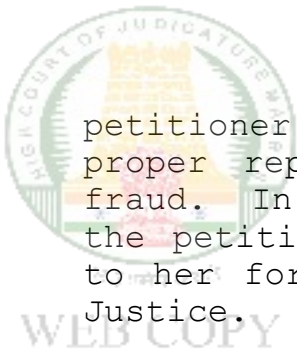
PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the first respondent to disburse a sum of Rs.90,718/- of the petitioner's salary benefit, which was withheld by the respondents without assigning any valid reason vide the petitioner's representation which was sent by registered post on 17.09.2014 and the same was received by him and to consider the same, within a time frame as fixed by this Court.

For Petitioner	: Mr.R.Saraswathy
For Respondents	: Mr.V.Muruganantham Additional Government Pleader

ORDER

This writ petition has been filed for issuance of a Writ of Mandamus, directing the first respondent to disburse a sum of Rs.90,718/- of the petitioner's salary benefit, which was withheld by the respondents without assigning any valid reason, the petitioner's representation regarding the same sent by registered post on 17.09.2014, which was received by the petitioner and to consider the same.

2.The learned counsel for the petitioner would submit that the petitioner was worked as Assistant at Tuticorin Port Trust, Ware House Office and retired from service on 30.09.2003. The petitioner has got Voluntary Retirement Service due to her health condition. Further, he submits that a sum of Rs.90,718/- was deducted from the



petitioner's retirement benefits without any intimation or any proper reply and she has not committed any misappropriation or fraud. In these circumstances, the respondents arbitrarily withheld the petitioner's retirement benefits. No opportunities were given to her for doing so and it was against the Principles of Natural Justice.

3.The respondents have initiated in his proceedings dated 13.10.2003, disburse a sum of Rs.7,921/- out of Rs.98,639/- which was released on 14.09.2007. Thereafter, no such amount was disbursed to her. The petitioner made several representations on 19.11.2008, 12.04.2012, 29.10.2012, 04.12.2012, 30.01.2013, 24.07.2013, 16.08.2013 and 14.02.2014, failed to consider the representation for the past eleven years suffered without getting the retirement benefits. Hence, she was filed a Writ of Mandamus to consider the representation and pass necessary orders by the respondents.

4.In view of the above said submissions, this Court directs the respondents to consider the said representation of the petitioner and shall pass an order regarding the various amounts deducted from her pensionary benefits with proper calculations and reasons under what circumstances the same was deducted, within a period of eight weeks from the date of receipt of a copy of this order, as per the prevailing Rules and in accordance with law.

5.With the above directions, the writ petition is disposed of. No costs.

Sd/-
Assistant Registrar (W)

/True Copy/

Sub Assistant Registrar

To

1. The Chairman and the Managing Director,
Tamilnadu Warehousing Corporation,
No.82, Annasalai,
Guindy, Chennai-32.
2. The Ware House Manager,
Tuticorin Port Trust Office,
Tuticorin.

+ 1 CC TO Mr. D.SARAVANAN, ADVOCATE IN SR No. 93935
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 94313

SSS

TE/JC/SAR-3 : 01/03/2018 : 2P/5C

<https://hcservices.ecourts.gov.in/hcservices/>

ORDER MADE IN
W.P (MD) No.16859 of 2014
20.12.2017