



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **15.09.2017**

CORAM:

THE HONOURABLE MR.JUSTICE **R.MAHADEVAN**

W.P. (MD).No.17470 of 2017

L.Pandiyarajan

... Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Transport Corporation,
(Madurai Division) Limited,
Bye Pass Road, Madurai.

2.The General Manager,
Tamil Nadu State Transport Corporation,
(Madurai Division) Limited,
Dindigul Region, Bye-Pass Road,
Dindigul.

....Respondents

PRAYER: Writ petition is filed, Under Article 226 of Constitution of India, to issue a writ of Mandamus directing the 1st respondent herein to settle the petitioner's General Provident Fund and Family Welfare Fund Contributions and other legally payable service benefits amounts to the petitioner with 12% interest as per the 1st Respondent's Proceedings in Ref.Ku.Sa/ThoThaP/W.P.(MD).No.9701 of 2015 dated 05.09.2016 within a period of stipulated by this Hon'ble Court.

For Petitioner : Mr.J.Lawrance
For Respondents : Mr.A.Jayaraman,
Standing Counsel.

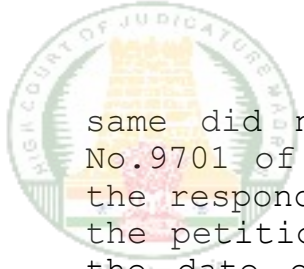
O R D E R

This Writ Petition has been filed by the petitioner, seeking a Writ of Mandamus, directing the first respondent to settle his General Provident Fund and Family Welfare Fund Contributions and other legally payable service benefits/amounts as per the first respondent's Proceedings in Ref.Ku.Sa/ThoThaP/W.P.(MD).No.9701 of 2015 dated 05.09.2016.

2. Mr.A.Jayaraman, learned Standing Counsel takes notice for the respondents.

3. By consent, this writ petition is taken up for disposal at the admission stage itself.

4. According to the petitioner, he was appointed as Driver in the second respondent Corporation on 18.07.2007 and got voluntarily retired from service on 21.05.2013 and thereafter, submitted various representations to the respondents seeking salary arrears, provident fund contribution, gratuity etc., however, the



same did not yield any fruitful result. Hence, he filed W.P(MD) No.9701 of 2015 and this Court, by order dated 19.06.2015, directed the respondents to consider and pass orders on the representation of the petitioner dated 03.02.2015, within a period of two months from the date of receipt of a copy of that order. As the respondent failed to comply with the same, the petitioner filed Cont.P(MD) No.1097 of 2016 before this Court and the said Contempt Petition was closed, based on the communication of the first respondent in Ref.Ku.Sa/ThoThaP/W.P.(MD).No.9701 of 2015 dated 05.09.2016, wherein, it was informed that the petitioner's representation was considered and it was further informed that as the petitioner comes under the Contributory Pension Scheme, which was implemented on 01.04.2003, petitioner's dues will be settled to him, after getting necessary instructions from the Government. Though the communication of the first respondent was dated as early as on 05.09.2016, there was no action on the part of the respondents to disburse his dues and aggrieved thereby, the petitioner is before this Court.

5. I have considered the rival submissions and perused the materials placed on record.

6. Considering the peculiar facts and circumstances of the case, this Court, directs the first respondent to consider the claim of the petitioner, with regard to sanctioning of provident fund amount from his Contributory Pension Scheme account, in the light of the order passed by this Court in W.P(MD)No.9701/15 dated 19.06.2015 and pass appropriate orders, on its own merit and in accordance with law, after affording due opportunity of hearing to the petitioner, within a period of four weeks from the date of receipt of a copy of this order.

7. With the above direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar

To

- 1.The Managing Director,
Tamil Nadu State Transport Corporation,
(Madurai Division) Limited,
Bye Pass Road, Madurai.
- 2.The General Manager,
Tamil Nadu State Transport Corporation,
(Madurai Division) Limited,
Dindigul Region, Bye-Pass Road, Dindigul.

+1cc to Mr.J.Lawrance Advocate in SR. No. 79654

gk

JS/SKN.RSK/SAR.4/4.10.2017/2P-4C

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

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