



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :13.04.2017

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THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P.(MD).No.6694 of 2017

P.Balakrishnan

.. Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Transport
Corporation (Kumbakonam) Ltd.,
Kumbakonam

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

.. Respondent

PRAYER: Writ petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Declaration, declaring the action of respondents 1 and 2 in recovering a sum of Rs.96,525/- from the petitioners' gratuity amount towards non-implemented punishment of increment cut imposed on me as illegal, arbitrary and violative of Article 14 of the Constitution of India and consequently direct the respondents to settle his gratuity, earned leave salary, Cholan Employees Security Scheme amount and refund amount towards Medical, Engineering, Polytechnic and Institute of Road Transport contribution without any recovery together with interest at the rate of 18% per annum payable to the petitioner with effect from 30.06.2013 to till the date on which the said amount is refunded to the petitioner.

For Petitioner : Mr.A. Rahul
For Respondents : Mr.D.Sivaraman
Standing Counsel

O R D E R

This Writ Petition has been filed by the petitioner challenging the recovery of a sum of Rs.96,525/- from the petitioner's retirement benefits and to direct the respondents to settle the petitioner's retirement benefits.

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

2. Heard, Mr.A. Rahul, learned counsel for the petitioner and Mr.D.Sivaraman, learned Standing Counsel for the respondents.



3.Learned counsel for the petitioner would submit that the recovery is illegal.

4.Learned counsel for the respondents would submit that the issue is pending before this Court at the appeal stage.

5.In such circumstances, this Court is of view that the petitioner is entitled to a direction to the respondents to settle his retirement benefits after deducting the disputed amount of Rs.96,525/-.

6.Accordingly, this writ petition is disposed of with the following directions:-

6(a).The respondents are directed to determine the retirement benefits provisionally, which is payable to the petitioner. Out of the said amount payable to the petitioner, the disputed amount of Rs.96,525/- can be deducted towards the recovery provisionally.

i)The said exercise shall be settled, in twelve equal monthly installments;

ii)The first installment shall commence by making payment on or before 1st of June 2017 and the amount in each of the remaining installments shall be paid on or before 10th of every succeeding month;

iii) The said terminal amount shall carry interest @ 6% per annum, as per the Division Bench judgment referred to above. In case of delay in making installments, the interest payable could be 18% for the delayed period;

iv) The aforesaid direction to settle the terminal benefits would not preclude the workman to question the computation of any of the terminal benefits, if the same is paid lesser than the amount to which, he is entitled to receive. Likewise, if the petitioner has any grievance that he is entitled to interest for the amount already settled, he can agitate the same as per law, if he is entitled.

7. Consequently, connected Miscellaneous Petition is closed. No costs.

Sd/-

Assistant Registrar(AD-II)

/True Copy/

Sub Assistant Registrar.



To

1.The Managing Director,
Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
Kumbakonam.

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

+1CC to M/S.D.Sivaraman, Advocate, SR.No. 20130

+1CC to M/S.A.Rahul, Advocate, SR.No. 20104

ORDER MADE IN
W.P. (MD) .No.6694 of 2017
13.04.2017

KM/VSA

AM/SV/SAR 3/02.05.2017/3P/5C