



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.04.2017

CORAM :

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

WEB COPY

W.P.(MD) No.18249 of 2016andW.M.P.(MD) .No.13156 of 2016

A.Panneerselvam,
Tamil Nadu State Transport Corporation
(Kumbakonam) Ltd.,
Kumbakonam Region.

... Petitioner

Vs.

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

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

3.The Administrator,
Tamil Nadu State Transport
Corporation Pension Fund Trust,
Thiruvalluvar House,
Pallavan Salai, Chennai-600 002.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order of the 2nd respondent in Ref:AD8/RT/2/16 dated 22.02.2016 in imposing recovery of Rs.1,22,202/- on the petitioner towards "non-implemented increment cuts" and adjusting the said recovery amount from his terminal benefits, quash the same as illegal, arbitrary and consequently direct the respondents to settle and pay him eligible terminal benefits payable to him including earned leave salary, Cholan Employees Security Scheme amount, Gratuity, Commuted value of pension and Refund of his contribution towards medical, Engineering, Polytechnic Colleges and Institute of Road Transport without any recovery together with interest at the rate of 18% per annum payable to him from his date of retirement to till the date of actual payment.

For Petitioner

: Mr.A.Rahul

<https://hcservices.ecourts.gov.in/hcse/Piece1> & R-2

: Mr.D.Sivaraman

For R-3

: Mr.A.P.Muthupandian.

ORDER

This writ petition has been filed for issuing a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order of the 2nd respondent in Ref:AD8/RT/2/16 dated 22.02.2016 directing recovery of a sum of Rs.1,22,202/- from the petitioner towards "non-implemented increment cuts" and adjusting the said amount from his terminal benefits and to quash the same as illegal, arbitrary and consequently direct the respondents to settle and pay the petitioner eligible terminal benefits payable to the petitioner including earned leave salary, Cholan Employees Security Scheme amount, Gratuity, Commuted value of pension and Refund of his contribution towards medical, Engineering, Polytechnic Colleges and Institute of Road Transport without any recovery together with interest at the rate of 18% per annum payable to him from his date of retirement to till the date of actual payment.

2.Heard Mr.A.Rahul, learned counsel appearing for the petitioner, Mr.D.Sivaraman, learned Standing Counsel appearing for respondents 1 & 2 and Mr.A.P.Muthupandian, learned Government Advocate appearing for respondent 3.

3.The petitioner joined in the first respondent Corporation as Driver with effect from 04.11.1989 and he retired from service with effect from 29.02.2016. However, the respondents have not settled the petitioner's Gratuity, Commuted Value of Pension, Cholan Employees Security Scheme amount, Refund of institute of Road Transport contribution amount and Earned leave salary, and the amount is also quantified by the petitioner as equivalent to Rs.4,71,840/- (Rupees Four Lakhs Seventy One Thousand Eight Hundred and Forty only). However, the same was withheld on the ground that the sum of Rs.1,22,202/- (One Lakh Twenty Two Thousand Two Hundred and Two only) is liable to be deducted from the petitioner's terminal benefits. The respondent justified this deduction towards "non-implemented increment cuts". The learned counsel for the petitioner submits that he has suffered an injury on account of delay in settlement of his terminal benefits.

4.Considering the nature of grievance expressed by the petitioner and the admitted facts in this case, this court is inclined to pass the following direction:

i)The respondents are directed to disburse the terminal benefits after deducting the disputed amount towards "non-implemented increment cuts", in twelve monthly installments. The first monthly installment

<https://hcservices.scribd.com/hcservices> should be made from 10th of June, 2017.

ii) The said terminal amount shall carry interest @ 6% per annum, as per the Division Bench judgment. In



case of delay in making installments, the interest payable could be 18% for the delayed period;

iii) 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. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

/True Copy/

Sub-Assistant Registrar

To

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

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

3.The Administrator,
Tamil Nadu State Transport Corporation Pension Fund Trust,
Thiruvalluvar House,
Pallavan Salai, Chennai-600 002.

+One cc to Mr.D.Sivaraman, Advocate, SR.No.52183

+1cc to M/S.A.RAHUL, ADVOCATE SR.No. 20138

GSP/MR

RL/6C/3P/MR/8.5.2017