



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.01.2017

CORAM:

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

W.P.(MD) No.25037 of 2016

D.Murugesan

... Petitioner

-vs-

1. The Administrator,
Tamil Nadu State Transport
Corporations Employees Pension Trust,
Pallavan Salai, Chennai-600 002.

2. The Managing Director,
Tamil Nadu State Transport Corporation (Madurai),
Madurai Region, Bye Pass Road,
Madurai-10.

... Respondents

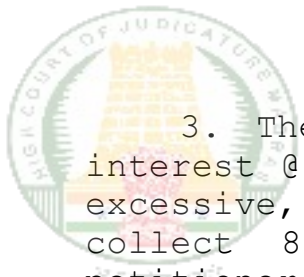
Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents not to withhold or deduct any amount due to petitioner without reconciling the loan account with HDFC Bank in A/c.No.351791861.

For Petitioner	:	Mr.T.Ravichandran
For R1	:	Mr.A.P.Muthupandian
For R2	:	Mr.A.Jeyaram

O R D E R

This writ petition has been filed, seeking to direct the respondents not to withhold or deduct any amount due to petitioner without reconciling the loan account with HDFC Bank in A/c.No.351791861.

2. The case of the petitioner is that the Management has withheld the gratuity and also pension amount without reconciling the loan amount with HDFC Bank, as the petitioner had availed Housing Loan. Since the gratuity amount was adjusted towards housing loan, the petitioner made a claim before the Controlling Authority under the Payment of Gratuity Act and the said Authority directed the management to pay the balance gratuity amount apart from the amount already paid and to disburse the same with 10% interest.



3. The petitioner would submit that HDFC Bank is charging interest @ 18% p.a. and that when this Court expressed that it is excessive, the respondents would submit that they are willing to collect 8.25% interest on the loan amount availed by the petitioner.

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4. It is represented by the respondents that the gratuity amount together with interest already deposited with Controlling Authority has been paid to the petitioner with 10% interest and that the petitioner has to pay a sum of Rs.1,95,540/- towards the balance loan amount availed by him and therefore, the respondents may be permitted to deduct 50% of the amount from the pension of the petitioner to adjust the balance amount of Rs.1,95,540/- together with interest @ 8.25%p.a.

5. I find much force in the contention raised by the respondents. Hence, this Court permits the respondents to deduct 50% of the pension amount, which will include 8.25% interest from the pension payable to the petitioner till the final payment is due to the respondents.

6. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(P&A)

/True Copy/

Sub Assistant Registrar

To:

1. The Administrator,
Tamil Nadu State Transport
Corporations Employees Pension Trust,
Pallavan Salai, Chennai-600 002.
2. The Managing Director,
Tamil Nadu State Transport Corporation (Madurai),
Madurai Region, Bye Pass Road,
Madurai-10.

+1 cc to MR.T.RAVICHANDRAN, Advocate SR.No.4229

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