

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 03.07.2018
CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.14462 of 2007
And
M.P.No.2 of 2007

M.Yokaraj

... Petitioner

Vs.

- 1.The Secretary to Government
Government of Tamilnadu
Transport Department,
Fort St.George,
Chennai 600 009.
- 2.The Managing Director
Tamilnadu State Transport
Corporation (Kovai) Limited
Coimbatore.
- 3.The Executive Trustee
Employees Provident Fund Trust,
Tamilnadu State Transport
Corporation (Kovai) Limited
Coimbatore 43.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records of the first respondent relating to Rule 10-a iv. of the Tamil Nadu State Transport Employees Pension Fund Rules as published in G.O.Ms.No.135 of Transport (D) Department dated 15.12.2000 and to quash it and consequently direct the second and third respondents to sanction pension to the petitioner from 01.05.2007 subject to the condition of adjusting the non refundable loan of Rs.39,100/- adjusted in his commuted value of pension.

For Petitioner :Ms.R.Y.George Williams
For Respondents :Mr.K.Ravikumar for R1
Additional Government Pleader
Mr.P.Kannan Kumar for R2
R3 - Disd. vide order dated 15.11.10

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Certiorarified Mandamus calling for the records of the first respondent relating to Rule 10 (a) (iv) of the Tamil Nadu State Transport Employees Pension Fund Rules as published in G.O.Ms.No.135, Transport (D) Department, dated 15.12.2000 and to quash the same and to consequently direct the respondents 2 and 3 to sanction pension to the petitioner from 01.05.2007 subject to the condition of adjusting the non refundable loan of Rs.39,100/- adjusted in his commuted value of pension.

2.The case of the petitioner that he is working as Driver in the respondent Transport Corporation and during the year 1994, he applied for non refundable loan from the employer share in the E.P.F. Account and was paid Rs.39,100/- in the normal course which would be adjusted in the final payment of provident fund amount at the credit of the employee at the time of retirement. No interest is being charged for the non refundable amount, because the employee will automatically lose the interest that could be earned by the loan amount if it was not withdrawn.

3.It is the further case of the petitioner that consequent to the demand by the unions of all Transport Corporations, the Government decided to introduce a pension scheme from 01.09.1998 and accordingly a Scheme was formulated in the name of 'Tamil Nadu State Transport Employees Pension Fund Rules' and the Government issued G.O.Ms.No.135, Transport (D) Department, dated 15.12.2000 and approved the said Rules, which came into operation from 01.09.1998. As per the condition relating to these non refundable loans, the employees are liable to pay it only by adjustment in their final settlement of provident fund amount without any interest.

4.It is the further case of the petitioner that Rule 10 (a) (iv) of the Tamil Nadu State Transport Employees Pension Fund Rules has forced the petitioner to pay the loan amount with 12% interest compounded annually. Hence, the petitioner submitted a petition to the Secretary, Pension Fund Trust to cancel the interest. However, the petitioner got a reply stating the only if the petitioner remit the amount calculated as per Rule 10 (a) (iv) of the Tamil Nadu State Transport Employees Pension Fund Rules, pension will be paid to him from the day following his retirement. Aggrieved by the same, the petitioner has filed this writ petition.

5.Though the petitioner has filed this writ petition for a larger relief, the learned counsel appearing for the petitioner now submits that the loan amount obtained by the petitioner during the year 1994 has to be adjusted in the petitioner's

pensionary benefits without interest and it would suffice if this Court issues a direction to the respondents to sanction the balance amount available with the respondent Corporation.

6.In view of the limited prayer now sought for by the petitioner, this Court without going into the merits of the case, directs the respondents to pass appropriate orders, as per the letter of the second respondent dated 14.07.2005, within a period of four weeks from the date of receipt of a copy of this order and settle the benefits accrued in the credit of the petitioner within a period of four weeks thereafter. The amount shall be disbursed to the petitioner as per the Rules.

7.The writ petition is accordingly disposed of. No costs. Consequently, the connected miscellaneous petition is also closed.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Secretary to Government
Government of Tamilnadu
Transport Department,
Fort St.George,Chennai 600 009.
- 2.The Managing Director
Tamilnadu State Transport
Corporation (Kovai) Limited,Coimbatore.
- 3.The Executive Trustee
Employees Provident Fund Trust,
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+1cc to Mr.R.Y.George Williams, Advocate, S.R.No. 42643
+1cc to Mr.P.Kannan Kumar, Advocate, S.R.No. 42835
+1cc to the Government Pleader, S.R.No. 44086

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KS (CO)
BM 18/07/2018