

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.12.2018

CORAM

THE HON'BLE DR.JUSTICE S.VIMALA

W.P.No.33404 of 2018

R.Mani

..Petitioner

Vs

- 1.Tamil Nadu State Transport Corporation (Villupuram) Ltd.,
rep.by its Managing Director, 3/137, Salamedu
Villupuram.
- 2.The General Manager, Tamil Nadu State Transport
Corporation (Villupuram) Ltd., Villupuram Region
Villupuram.
- 3.Tamil Nadu State Transport Corporation Employees
Pension Trust, rep.by its Administrator, Thiruvalluvar
Illam, Pallavan Salai, Chennai-2. ..Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India seeking a writ of Mandamus directing the respondents to pay the petitioner the gratuity, provident fund, monthly pension and commuted value of pension payable under the Tamil Nadu State Transport Corporation Employees Pension Rules with arrears of monthly pension w.e.f 1.6.2015, payable under the Post Retirement Scheme w.e.f.1.6.2015 with arrears, the earned leave salary for 19 days, the amounts payable under the Social Security Scheme and Family Benefit scheme, the IRT contribution etc., together with interest at the rate of 12% per annum till the above amounts are actually paid to the petitioner.

For Petitioner : M/s.R.Krishnaswamy

For Respondent : Mr.R.K.Gandhi, Standing Counsel

O R D E R

The petitioner has filed the present writ petition seeking a direction to the respondents to disburse the terminal benefits due to him. The petitioner had retired from service on 31.05.2015.

2. The petitioner had joined the respondent Corporation as Conductor in the year 1988 and while he was on duty on 18.03.2014, his bag with all his personal belongings and with one unused ticket bundle with 200 tickets and one used bundle with 149 tickets was stolen by somebody. A show cause notice dated 05.05.2014 was issued, asking the petitioner to remit a sum of Rs.40,100/- towards the fare value of the tickets lost. Since the petitioner did not pay the amount as per the notice, he was not permitted to work. On 21.07.2014, the second respondent issued an order of recovery of the above amount in instalments at the rate of Rs.3500/- per month. The said order was challenged by the petitioner in W.P.No.22865 of 2014 along with a direction to the respondents to treat the period from 05.07.2014 to the date of joining as duty period. This Court, by an order dated 21.08.2014, granted an order of interim stay of the recovery. Pursuant to the same, the petitioner was allowed to work. However, the period from 05.07.2014 to the date on which the petitioner rejoined the duty was not treated as duty period. The petitioner retired from service on 31.05.2015. Since the terminal benefits were not settled, the petitioner sent representations on 20.07.2016 and 04.06.2018, which were not considered by the respondents. Therefore, the petitioner has filed the present writ petition.

3. Mr.R.K.Gandhi, learned Standing Counsel takes notice on behalf of the respondents. Heard the learned counsel on either side and perused the materials on record.

4. Under the circumstances, the writ petition is disposed of with the following directions. No costs.

The respondents are directed to settle the terminal benefits due to the petitioner on the following terms.

- (a) The amount of Rs.40,100/-, which is challenged by the petitioner and is pending determination before this Court in W.P.No.22865 of 2014, as well as the amount claimed by the petitioner for the period from 05.07.2014 to the date on which the petitioner rejoined the duty, shall be kept on hold.

(b)The balance amount other than the aforesaid amounts shall be disbursed in twelve equal monthly instalments.

Sd/-
Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

kst

To

1. The Managing Director,
Tamil Nadu State Transport Corporation (Villupuram) Ltd.,
3/137, Salamedu, Villupuram.
 2. The General Manager, Tamil Nadu State Transport
Corporation (Villupuram) Ltd., Villupuram Region
Villupuram.
 3. Tamil Nadu State Transport Corporation Employees
Pension Trust, rep.by its Administrator, Thiruvalluvar
Illam, Pallavan Salai, Chennai-2.
- +1 cc to Mr.V.Ajoy Khose, Advocate, S.R.No.87606
- +1 cc to Mr.R.K.Gandhi, Advocate, S.R.No.87381

SPD(CO)
SSM(25/01/2019)

W.P.No.33404 of 2018

सत्यमेव जयते

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