

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED : 28.03.2018****CORAM :****THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN****W.P. (MD) .No.6855 of 2018**

P.Ramkumar

...Petitioner

Vs.

1. The Managing Director,
Tamil Nadu State Transport,
Corporation (Kumbakonam) Limited,
New Railway Station Road, Kumbakonam, Thanjavur District.
2. The General Manager,
The Tamil Nadu State Transport
Corporation (Kumbakonam) Limited,
New Railway Station Road, Kumbakonam,
Thanjavur District.
3. The Administrator,
Tamil Nadu State Transport
Corporation Trust,
Employees Pensions Fund Trust, Thiruvalluvar House,
Pallavan Salai, Chennai-600 002. ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Declaration declaring the action of the respondents in imposing recovery on me to the tune of Rs.2,47,104/- towards unimplemented increment cuts as illegal, arbitrary and violative of Article 14 and 21 of the Constitution of India and consequently direct the respondents to pay the petitioner's monthly pension pension gratuity, commuted value of pension, leave salary social security scheme arrears, refund towards deposit made with Institute of Road Transport, Monthly pension and all other attendant benefits to the petitioner without making any recovery together with an interest at the rate of 10% per annum payable to the petitioner with effect from 03.01.2014 to till the date of actual payment.

For Petitioner : Mr.K.Gokul

For Respondents : Mr.D.Sivaraman

ORDER

Mr.D.Sivaraman, learned standing counsel takes notice for the respondents.

2.By consent of both the parties, the main Writ Petition itself is taken up for final disposal at the stage of admission.

3.The petitioner was employed in the first respondent/Corporation. He was imposed with the punishment of stoppage of increment. He reached the age of superannuation on 02.01.2014. A sum of Rs.2,47,104/- was withheld from the disbursement of terminal benefits on the ground that the said amount represents the non implemented punishment of increment cut. The Hon'ble Division Bench of this Court in W.A.(MD).Nos.886 & 887 of 2017, dated 12.07.2017, held that such withholding is impermissible in law. The issue on hand is squarely covered by the aforesaid decision.

4.Therefore, the respondents 2 and 3 are directed to disburse the said amount of Rs.2,47,104- along with interest at the rate of 6% per annum.

5.It is submitted by the learned counsel appearing for the petitioner that the other retirement benefits have also not been disbursed, the respondents shall disburse the same with the interest at the rate of 6% per annum with effect from 31.07.2017.

6.This Writ Petition is allowed as indicated above. No costs.

Sd/-
Assistant Registrar(AS)

/True Copy/

Sub Assistant Registrar

+ 1 cc TO Mr.K.Gokul , Advocate in SR No. 58793
+ 1 cc TO Mr.D.Sivaraman , Advocate in SR No. 59148

tsg
AE/KKR/SAR2/04.06.2018/2P/3C

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