



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 27.04.2018
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THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P. (MD) .No.9755 of 2018

S.Thillaiammal

... Petitioner

Vs.

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

2.The Administrator,
Tamil Nadu State Transport,
Corporation Pension Fund Trust,
Thiruvalluvar Illam, Pallavan Salai,
Chennai-2.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Declaraion, declaring the action of the respondents in making recovery of a sum of Rs.75,240/- from the terminal benefits of the petitioner's husband late.T.Sivaji under the head of "Non-implemented increment cuts" as illegal and without jurisdiction and consequently direct the respondents to pay the recovery amount of Rs.75,240/- to him together with interest at the rate of 18% per annum payable from 06.03.2014 till the date on which the above recovery amount is settled to the petitioner and also further directing the respondents to pay family pension arrears to him for the months of from March 2014 to June 2014 within a time limit that may be fixed by this Court.

For Petitioner : Mr.A.Rahul

For Respondents : Mr.D.Sivaraman

ORDER

Heard Mr.A.Rahul, learned counsel appearing for the
<https://hcservices.ecourts.gov.in/hcservices/>
petitioner and Mr.D.Sivaraman, learned counsel appearing for
the respondents.



2.The petitioner has filed this writ petition to declare that the action of the respondents in making recovery of a sum of Rs.75,240/- from the terminal benefits of the petitioner's husband late.Mr.T.Sivaji under the head of "Non-implemented increment cuts" as illegal and without jurisdiction and consequently direct the respondents to pay the recovery amount of Rs.75,240/- to him together with interest at the rate of 18% per annum payable from 06.03.2014 till the date, on which, the above recovery amount is settled to the petitioner and also further directing the respondents to pay family pension arrears to her for the months from March 2014 to June 2014.

3.The question is as to whether the non-implemented increment cuts can be recovered from the employee at the time of superannuation came up for consideration before this Court in a batch of cases in **The Management of Tamil Nadu State Transport Corporation (Kumbakonam) Ltd., Vs J.Arumugam, in W.A. (MD).Nos.465 of 2013 etc., batch**, the Division Bench to which I (TSSJ) was a party, by judgment dated 30.06.2017, set aside the order of recovery made by the Management of the Transport Corporation, insofar as recovering the non-implemented increment cuts. The Management of Transport Corporation filed an appeal before the Hon'ble Supreme Court in S.L.P.No.1755 of 2018. However, the Hon'ble Supreme Court dismissed the appeal by order dated 09.02.2018. In the light of the above and the decision of the Division Bench, the impugned order of recovery of a sum of Rs.75,240/- from the terminal benefits of the petitioner's husband is illegal and unsustainable.

4.Accordingly, the writ petition is allowed and that portion of the impugned order of recovery is set aside and the respondents are directed to re-credit a sum of Rs.75,240/- to the family pension account of the petitioner together with simple interest at the rate of 6% from 06.03.2014 to till the date, on which, the said recovery amount is settled to the petitioner and the said remittance shall be made within a period of four weeks from the date of receipt of a copy of this order.

5.The petitioner also seeks further direction to the respondents to pay family pension arrears to the petitioner from March 2014 to June 2014 and in this regard, a representation has also been made to the respondents. The respondents are directed to consider the said representation and if it has not been paid and if the petitioner is entitled



to get the same and the same shall also be paid to the petitioner within a period of four weeks thereafter. No costs.

sd/-

Assistant Registrar (CS-I)

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/True Copy/

Sub Assistant Registrar

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To,

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

2.The Administrator,
Tamil Nadu State Transport,
Corporation Pension Fund Trust,
Thiruvalluvar Illam, Pallavan Salai,
Chennai-2.

+1cc to Mr.A.Rahul, Advocate in SR.No.64718

GJM/MMS/SAR-I-28.5.18-3p-4c

W.P. (MD) .No.9755 of 2018
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