



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 22.06.2018

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P(MD)No.13286 of 2018

M.Sherfudeen

... Petitioner

Vs.

1.The Management of Tamil Nadu

State Transport Corporation (Madurai) Limited,
Madurai Region, rep. by its General Manager,
Madurai.

2.The Administrator,

Tamil Nadu State Transport Employees
Pension Fund Trust,
Thiruvalluvar Illam, Anna Salai,
Chennai - 2.

... Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent to pay the petitioner all his terminal benefits namely EPF Employee's Contribution, Gratuity and Encashment of Leave and etc., forthwith together with 18% interest per annum, and further directing the respondents to pay his pension and commutation of pension along with arrears of the same from the month of May 2018 forthwith under TNSTCE Pension Fund Rules, together with 18% interest per annum, within a time frame as may be fixed by this Court.

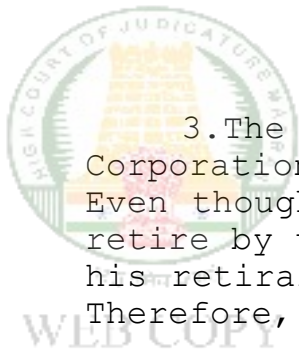
For Petitioners : Mr.S.Arunachalam

For Respondents : Mr.A.Jeyaram

O R D E R

The prayer sought for in this writ petition is for a writ of mandamus, directing the first respondent to pay the petitioner all his terminal benefits namely EPF Employee's Contribution, Gratuity and Encashment of Leave and etc., forthwith together with 18% interest per annum, and further directing the respondents to pay his pension and commutation of pension along with arrears of the same from the month of May 2018 forthwith under TNSTCE Pension Fund Rules, together with 18% interest per annum, within a time frame as may be fixed by this Court.

2.Heard Mr.S.Arunachalam, learned counsel for the petitioner
<https://hcservices.ecourts.gov.in/hcservices/>
and Mr.A.Jeyaram, learned standing counsel appearing for the respondents.



3.The petitioner, after having served at the first respondent Corporation as Conductor, retired on 30.04.2018 on superannuation. Even though the petitioner had retired and he has been permitted to retire by the proceedings of the first respondent dated 30.04.2018, his retiral and pensionary benefits have not been so far disbursed. Therefore, the petitioner is before this Court.

4.The learned counsel appearing for the petitioner would submit that a number of case of similar nature as that of the petitioner have been considered by this Court and the lead case in this regard is a Division Bench judgment reported in (2008) 1 MLJ 224 - Management of Rani Mangammal Transport Corporation Limited Vs. M.Palanisamy, wherein, it was held that if any loss of bus ticket books not because of the negligence on the part of the Conductor, no amount can be recovered from him. In spite of this judgment and number of other judgments, where the retiral benefits of similarly placed employee was directed to be given, the respondents having not so far released the retiral benefits.

5.Per contra, the learned standing counsel appearing for the respondents would submit that, there had already been a proceedings of recovery initiated against him for the loss of bus ticket books as against which the petitioner already approached this Court by filing W.P.(MD) No.2661 of 2015, where, an interim order of injunction has been granted from recovering that amount. In view of the pendency of the said writ petition, the retiral benefits of the petitioner has not so far been disbursed and he would further submit that if the respondents are permitted to retain the said amount to be recovered from the petitioner for the said alleged loss of bus ticket books, the respondents cannot have any further objection to release the other retiral benefits in 12 equal monthly instalments.

6.Considering the said submissions made by both sides and taking into account the fact and situation of the case, this Court is inclined to pass the following order:

"The respondents are directed to release the retiral benefits of the petitioner by 12 equal monthly instalments and the first monthly instalment shall commence from July 2018 onwards. For the amount to be recovered from the petitioner for the alleged loss of bus ticket books, which is a subject matter in W.P.(MD) No.2661 of 2015, the said amount shall be with held by the respondents and the said issue can be decided depending upon the outcome of the said writ petition, which is pending before this Court. It is made clear that the respondents shall disburse the retiral benefits as indicated above by starting the first monthly instalment from July 2018 onwards. If any delay is occurred in disbursing the said amount, that will carry the interest of 6% from the date of due, till the date of payment."



7. With the above direction, this writ petition is disposed of.
No costs.

Sd/-

Assistant Registrar (RTI)

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Sub Assistant Registrar

To

1. The General Manager,
Tamil Nadu State Transport Corporation (Madurai) Limited,
Madurai Region,
Madurai.

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

+1cc to M/S.S. Arunachalam, Advocate SR.No. 69677

W.P (MD) Nos. 13286 of 2018
22.06.2018

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JM/SV/SAR 1/17.07.2018/3P/4C