



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.09.2018

C O R A M

WEB COPY

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P. (MD) No.18371 of 2018

O.Bhavathiappan

... Petitioner

Vs.

1. The Tamil Nadu State Transport Corporation (Tirunelveli Ltd.,
Represented by its Managing Director,
Tirunelveli.

2. The General Manager,
The Tamil Nadu State Transport Corporation (Tirunelveli) Ltd.,
Nagercoil Region, Nagercoil,
Kanyakumari District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the constitution of India, to issue a Writ of Mandamus, to direct the respondents to refund the amount of Rs.40,185/- recovered from the petitioner terminal benefits in the name of punishment unaffected period value together with interest 12% p.a..

For Petitioner : Mr.L.Prabakaran
For Respondents : Mr.K.Sathiyasingh
Standing Counsel for TNSTC

O R D E R

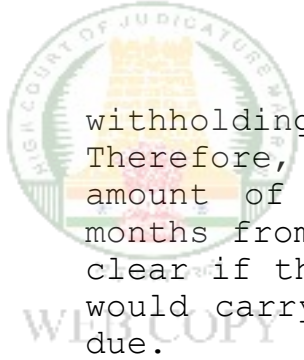
This Writ Petition has been filed to direct the respondents to refund the amount of Rs.40,185 recovered from the petitioner terminal benefits in the name of punishment unaffected period value together with interest at 12% per annum.

2.Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondents. By consent of both parties, this Writ Petition is taken up for final disposal.

3.The petitioner is a retired employe of the respondent Corporation. A sum of Rs.40,185/- was withheld from the terminal benefits on the pretext of enforcing the un-implemented punishment.

<https://hcservices.ecourts.gov.in/hcservices/>

4.This Court has held on several occasions that such



withholding of terminal benefits is not permissible in law. Therefore, the respondent is directed to disburse the withheld amount of Rs.40,185/- to the petitioner within a period of two months from the date of receipt of a copy of this order. It is made clear if the amount is not paid within the above stipulated time, it would carry 6% interest from the initial date of the amount became due.

5. With the above direction, this Writ Petition stands allowed. No costs.

Sd/-
Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar (CS-II)

To

1. The Tamil Nadu State Transport Corporation (Tirunelveli Ltd.,
Represented by its Managing Director,
Tirunelveli.
 2. The General Manager,
The Tamil Nadu State Transport Corporation (Tirunelveli) Ltd.,
Nagercoil Region, Nagercoil,
Kanyakumari District.
- + 1 CC TO Mr.L.PRABAKARAN, ADVOCATE IN SR No. 82346
+ 1 CC TO Mr.K.SATHIYA SINGH, ADVOCATE IN SR No. 82348

TA
TE/RSK/SAR-2 : 27/11/2018 : 2P/5C

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04.09.2018