



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.01.2018

CORAM

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.P. (MD) No.19638 of 2017

A.Thomas

... Petitioner

Vs.

Tamil Nadu State Transport Corporation

(Kumbakonam) Limited,

Represented by its Managing Director,

Kumbakonam, Thanjavur District.

...Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondent to pay the petitioner his service pension with interest at 18% per annum from 01.05.2012 to the date of actual payment, other settlement benefits without the recovery of Rs.1,41,063/- towards non implemented punishment of increment cuts, with interest at 18% per annum from the date of his retirement to the date of payment and to grant such other suitable orders.

For Petitioner : Mr.R.Narayanan

For Respondent : Mr.D.Sivaraman

Standing Counsel

ORDER

Heard the learned counsel on either side.

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

3.The petitioner was employed in the respondent/Corporation. He was imposed with the punishment of stoppage of increment. He reached the age of superannuation on 30.04.2012. A sum of Rs.1,41,063/- was withheld from the disbursement of terminal benefits on the ground that the said amount represents the non implemented punishment of increment cuts. The Hon'ble Division Bench of this Court in W.A.(MD).No.345 of 2017 etc batch, dated 30th June 2017, held that such withholding is impermissible in law. The issue on hand is squarely covered by the aforesaid decision.

4.Therefore, the respondent is directed to disburse the said amount of Rs.1,41,063/- along with interest at the rate of 6% per annum.



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

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

Sd/-

Assistant Registrar (AS)

/True Copy/

Sub-Assistant Registrar

To

The Managing Director,
Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
Kumbakonam, Thanjavur District.

+One cc to M/s.T.Banumathy, Advocate, SR.No.43942

+One cc to M/s.D.Sivaraman, Advocate, SR.No.43231

tsg

RL/4C/2P/SV/MMS/SAR1/20/2/2018

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