



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.09.2018

CORAM:

WEB COPY

THE HONOURABLE Mr. JUSTICE S. VAIDYANATHAN

W.P. (MD) No. 20136 of 2018

P. Abdul Wahaap

... Petitioner

Vs.

1. The Management of Tamil Nadu State
Transport Corporation (Kumbakonam) Ltd.,
Rep. by its Managing Director,
Railway Station Road,
Kumbakonam-612 001.

2. The General Manager,
Tamil Nadu State Transport
Corporation (Kumbakonam) Ltd.,
Karaikudi Region,
Karaikudi 630 307.

... Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Declaration, declaring the action of the respondents insofar as recovering of Rs.45,360/- from the petitioner's terminal benefits, towards unimplemented punishment of increment cut as illegal and inconsequence, direct the respondents to refund the recovered amount of Rs.45,360/- together with 18% interest p.a. to him, from the date of recovery to till the date of payment.

For Petitioner : Mr. A. Rahul
For Respondents : Mr. D. Sivaraman

O R D E R

This Writ Petition has been filed to declare the action of the respondents insofar as recovering of Rs.45,360/- from the petitioner's terminal benefits, towards unimplemented punishment of increment cut as illegal and inconsequence, direct the respondents to refund the recovered amount of Rs.45,360/- together with 18% interest p.a. to him, from the date of recovery to till the date of payment.

2. Mr. D. Sivaraman, learned counsel takes notice for the respondents. By consent, this Writ Petition is taken up for hearing at the stage of admission itself.



3.The learned counsel appearing for the petitioner submitted that the petitioner was working as a Special Grade Driver and retired from service on 31.12.2012. However, terminal benefits was settled only in the year 2014, after deducting a sum of Rs.45,360/- towards the recovery of unimplemented increment cut for three years with cumulative effect. In this regard the petitioner made a representation, dated 26.03.2018 to the respondent concern.

4.It is not in dispute that amount is due, which have to be paid to the petitioner. As there is a delay in approaching this Court, the petitioner may be paid the amount in six instalments without interest.

5.This Court is inclined to grant the relief, however, without any interest. Accordingly, the respondents are directed to pay the due amount to the petitioner in six instalments commencing from January 2019, without interest. If the amount is not paid in time, the unpaid amount will fetch interest @ 18% per annum from the date of Writ Petition. With this direction, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar(CS-IV)

TO

1.The Management of Tamil Nadu State
Transport Corporation (Kumbakonam) Ltd.,
Rep.by its Managing Director,
Railway Station Road,
Kumbakonam-612 001.

2.The General Manager,
Tamil Nadu State Transport
Corporation (Kumbakonam)Ltd.,
Karaikudi Region,
Karaikudi630 307.

+1cc to Mr.A.K.Thangavelu Advocate in SR.No.85798

+1cc to Mr.D.Sivaraman Advocate in SR.No.85801

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