



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.09.2018

C O R A M

WEB COPY

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P. (MD) No.20501 of 2018

G.Shanmugam

... Petitioner

Vs.

1. The General Manager,
Tamil Nadu State Transport Corporation,
(Kumbakonam) Ltd., Maruthupatti,
Karaikudi, Sivagangai District.

2. The Manager,
The Margadharsi Chit Fund (P) Ltd.,
Madurai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the constitution of India, to issue a Writ of Mandamus, to direct the first respondent to release the petitioner's retirement benefits (Provident Fund, Gratuity) and other benefits.

For Petitioner : Mr.P.Muthusamy
For R1 : Mr.D.Sivaraman

ORDER

This Writ Petition has been filed seeking to issue a Writ of Mandamus to direct the first respondent to release the petitioner's retirement benefits (Provident Fund, Gratuity) and other benefits.

2.Mr.D.Sivaraman, learned counsel, takes notice for the first respondent. By consent of both parties, the main Writ Petition is taken up for final disposal at the stage of admission itself.

3.The petitioner worked as Senior Draughtman in the first respondent corporation. He retired from service on 30.06.2018 on reaching the age of superannuation. But, his retirement benefits were not granted to him. Hence, he filed the present writ petition with the above said prayer.

4.The learned counsel for the petitioner submitted that the petitioner had availed a loan from the second respondent. Since



there is some due in that loan availed by him, the second respondent filed Execution Petition, against the petitioner, which is posted for hearing on 20.11.2018 and the first respondent has stopped the entire arrears of provident fund and gratuity amount. It is further submitted that the petitioner is ready to pay the entire due amount.

5. When the matter is taken for hearing today, the learned counsel for the first respondent would submit that there is an order against the petitioner, which fact has not been mentioned in the affidavit filed in support of the writ petition. Further it is submitted that the corporation is willing to pay the amount after retaining the amount of Rs.40,000/-, as per the order of the Court below.

6. From the documents produced before this Court in the typed set of papers, it is clear that there is an execution proceedings and the same is pending in E.P.No.39 of 2016, on the file of the Sub Court, Madurai and the same is posted for hearing on 20.11.2018.

7. Taking note of the submission of both the parties and also taking note of the fact that the petitioner is willing to pay a sum of Rs.39,335/- as per the order in the execution petition, if the entire amount is paid to him, the first respondent is directed to release the entire terminal benefits due to the petitioner retaining the Provident Fund of the Employer's Contribution to the extent of Rs.40,000/- and release the same in twelve equal monthly instalments.

8. Accordingly, the writ petition stands disposed of. No costs.

Sd/-
Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar (CS-IV)

+ 1 CC TO Mr.D.SIVARAMAN, ADVOCATE IN SR No. 87244
+ 1 CC TO Mr.P.MUTHUSAMY, ADVOCATE IN SR No. 87292

TA
TE/SKN/SAR-4 : 29/10/2018 : 2P/3C