

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.10.2019

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.20794 of 2010

ShaikIbrahim

..Petitioner

Vs

1. The Managing Director,
Tamil Nadu Government State Transport Corporation,
Villupuram Division, Villupuram District.
2. The Chief Information Officer,
Regd Office : 3/137, Salamedu,
Vazutharetti Post,
Tamil Nadu Government State Transport Corporation,
Villupuram Division, Villupuram District.
3. The Assistance Provident Fund Commissioner,
O/O The Regional Provident Fund Commissioner,
Post Box No.588, 18, Madurai Road,
Shree Complex, Trichy - 620 008.
4. The Secretary & Trustee,
Thanthai Periyar Transport Corporation Ltd.,
Employees Provident Trust,
(A Government of Tamil Nadu Undertaking)
Villupuram District, Villupuram-605602.
5. The Official Secretary,
Tamil Nadu Government State Transport Corporation,
Villupuram Division, Villupuram District.

..Respondents

Prayer:- This Writ Petition is filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus directing the respondents 1, 3 and 4 to pay to the petitioner all the arrears benefits right from joining the duty on 01.06.1960 upto retirement on 31.07.1993, such as P.F., F.P.S., F.B.F., F.A., and balance gratuity amount with 12% interest till the payment is made with cost of Rs.5,000/- (Rupees Five Thousand Only).

For Petitioner : No appearance
For R1 : Mr. T. Chandrasekaran
For R3 : Mr. V.J. Latha
For RR 2, 4 & 5 : Mr. Kannan Kumar

ORDER

On earlier occasions, when the matter was taken up for consideration by this Court on 22.10.2019, there was no representation for the petitioner. Even today, i.e. 25.10.2019, when the matter is taken up for consideration, neither the petitioner is present nor there is any representation on behalf of the petitioner.

2. The grievance of the petitioner is that he was appointed as "Conductor" in the Transport Corporation, Cuddalore Depot on 01.07.1960 and thereafter, the petitioner was promoted as Checking Inspector and subsequently, the petitioner had retired from service on 31.07.1993. Thereafter, the petitioner made a representation to the respondents with reference to pay to the petitioner all the arrears benefits right from joining the duty on 01.06.1960 upto retirement on 31.07.1993, such as P.F., F.P.S., F.B.F., F.A., and balance gratuity amount with 12% interest till the payment is made with cost of Rs.5,000/-, but the respondents have failed and neglected to consider the petitioner's representation. Hence, the petitioner has come forward with the present writ petition before this Court seeks to appropriate relief.

3. The learned counsel appearing for the respondents submitted that all the petitioner's dues were settled after his retirement, the writ petitioner was retired from service on 31.07.1993, all the retirement benefits were settled to him, the details of payment settled is as follows:-

Sl.No.	Description	Rs.
1.	07/1993 month duty salary	644.25
2.	Employees Provident Fund	27642.00
3.	Employees Gratuity Fund	50095.00
4.	IRT Contribution Refund	2550.00
5.	07/1993 month incentive	184.00
6.	Leave Salary	4881.35

Sl.No.	Description	Rs.
7.	1993 year performance incentive	165.00
8.	1993 - 94 year Bonus	1218.75
9.	Employees Provident Fund	5528.50
10.	Bonus arrear (1981-82)	199.00

4. Further, the learned counsel submitted that EPF settlement made for Rs.27,642/- vide Demand Draft No.520242, dated 30.07.1993. He was also paid a sum of Rs.5528.50 towards refund of wrong recovery of FPS amount. Since the petitioner is not a member of Family Pension Scheme. Therefore, there is no arrears of provident fund payable to him. Hence, arrears of payment of Provident Fund, Family Pension Scheme and Gratuity does not arise and there is no pending payment payable to him. However, proper reply was also sent to the State President, Manitha Payampatty Sangam, Cuddalore on 09.06.2010, the application submitted by him dated 11.05.2010 under RTI Act.

5. Considering the above facts and circumstances of the case, this Court is of the considered view that the petitioner is not entitled to get the relief sought for in the writ petition and accordingly, this writ petition is dismissed. There shall be no order as to costs in this writ petition.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

msm

To

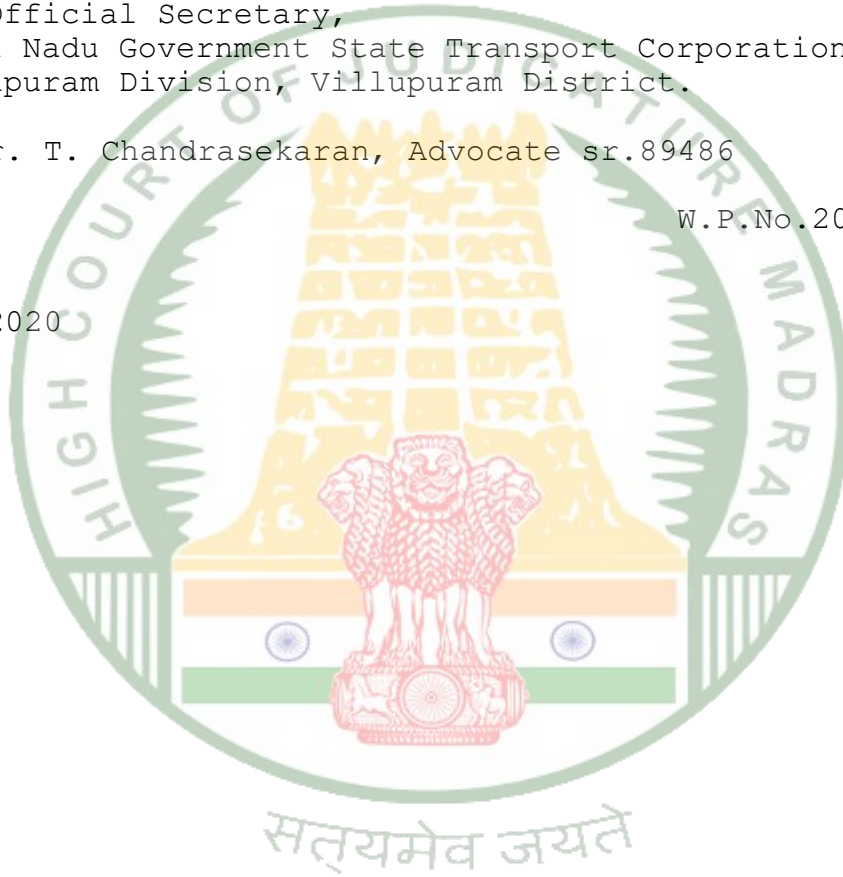
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+1cc to Mr. T. Chandrasekaran, Advocate sr.89486

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