

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :04.09.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No. 25291 of 2019

S.Dhayalan

..Petitioner

Vs

The Managing Director,  
Tamil Nadu State Transport  
Corporation (Villupuram) Ltd,  
3/137, Salamedu,  
Vazhuthareddy Post,  
Villupuram.

.. Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ order or direction in the nature of writ of Mandamus, directing the respondent to repay the said sum of Rs.1,71,554/- received from the petitioner as non implemented punishment to the petitioner along with the interest at the rate of 9% from 12.01.2018 till date of payment to the petitioner within stipulated time as may be fixed by this Court.

For Petitioner : Mr.I.C.Vasudevan

For Respondents : Mr.K.Kulanthaivelu  
for Mr.Antony Arokiaraj

O R D E R

The prayer sought for herein in this Writ Petition is for issuance of a Writ of Mandamus, directing the respondent to repay the said sum of Rs.1,71,554/- received from the petitioner as non implemented punishment to the petitioner along with the interest at the rate of 9% from 12.01.2018 till date of payment.

2. The case of the petitioner is that the petitioner joined service in the Tamil Nadu State Transport Corporation on 22.07.1987 and was lastly working at Thiruppathur branch. The petitioner retired from service on 30.04.2017 from Tamil Nadu State Transport Corporation Ltd. At the time of retirement, the petitioner was working as a senior Grade Driver in the respondent Corporation.

3. The learned counsel appearing for the petitioner would submit that though the petitioner retired from service on 30.04.2017, the respondent directed the petitioner to pay a sum of Rs.45,360/- as non implemented punishment and issued the check slip dated 18.05.2017. Thereafter, after one year from the date of his retirement, the respondent directed the petitioner to pay a sum of Rs.1,71,554/- as non implemented punishment as a condition to sanction the pension to the petitioner. Having no other go, the petitioner has paid the said sum of Rs.1,71,554/- to the respondent on 12.01.2018 vide receipt No.1761, dated 12.01.2018 towards non implemented punishment of stoppage of increments with cumulative effects awarded to the petitioner while he was in service.

4. The learned counsel appearing for the respondent conceded to the request made by the learned counsel appearing for the petitioner. Since, the representation dated 06.12.2018, was not considered by the respondent, the petitioner filed this Writ Petition.

5. Without expressing any opinion on merits, I am inclined to issue a direction to the respondent to dispose of the Writ Petitioner's representation dated 06.12.2018, within a period of twelve weeks from the date of receipt of a copy of this order. With the above direction, the Writ Petition is disposed of. No costs.

Sd/-  
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

kmm  
To

The Managing Director,  
Tamil Nadu State Transport  
Corporation (Villupuram) Ltd,  
3/137, Salamedu,  
Vazhuthareddy Post,  
Villupuram.

+1cc to Mr.A.Antony Arockiaraja, Advocate Sr.76786  
+1cc to Mr.I.C.Vasudevan, Advocate Sr.76596

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srg 04/11/2019