

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.10.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.27729 of 2019

K.Jayakumar

... Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Transport Corporation
(Villupuram) Ltd.,
Villupuram Division, Trichy Road,
Vazudhareddy, Villupuram.

2.The General Manager,
Tamil Nadu State Transport Corporation
(Villupuram) Ltd.,
Villupuram Division, Vellore Region,
Vellore District.

3.The Administrator,
Tamil Nadu State Transport Corporation
Employees Pension Fund Trust,
Pallavan Salai,
Chennai - 600 002.

.... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus to call for the records of the second respondent in Ka.No.057/Sa.Ni27/TNSTC(v)Vellore/2018 dated 14.03.2019, and to quash the same and to direct the respondents to disburse the gratuity, commutation, leave salary, Security deposit which is withheld by the respondents in pursuance of the above impugned order.

For Petitioner : Mr.P.Paramasiva Doss

For Respondents : Mr.K.Kulandaivelu
for Mr.A.Antony Arockiaraj

ORDER

This writ petition has been filed to call for the records of the second respondent in Ka.No.057/ Sa.Ni27/TNSTC(v) Vellore/2018 dated 14.03.2019, and to quash the same and to

direct the respondents to disburse the gratuity, commutation, leave salary, Security deposit which is withheld by the respondents in pursuance of the above impugned order.

2.The case of the petitioner is that the petitioner joined service in the respondent Corporation as a Driver on 18.12.1987 and he was allowed to retire from service on 30.04.2018. The petitioner was a chronic heart patient and suffered from various heart relating ailments. He is undergoing treatment for the past 4 years. After getting retired, the petitioner demanded terminal and retirement benefits. The petitioner was informed by the respondent corporation that the petitioner has unimplemented punishments and a sum of Rs.6,25,308/- will be recovered from his salary. Aggrieved over the same, this writ petition came to be filed.

3.On notice, the second respondent filed counter affidavit and it is relevant to extract the following:

"4.It is respectfully submitted that respondent corporation has issued the impugned order dated 14.03.2019 withholding the Terminal Benefits and directed the petitioner to repay the monetary value of unimplemented punishment amounting to the tune of Rs.6,25,308. However the respondent is willing to settle the Terminal Benefits of the Petitioner without prejudice to its rights to initiate the Recovery proceedings in the manner known to law and appropriately recover the claim amount of Rs.6,25,308 as specified in impugned order dated 14.03.2019."

4.In view of the counter filed by the second respondent that the second respondent has come forward to settle the terminal benefits, no further adjudication is necessary in this writ petition.

5.The second respondent is directed to implement paragraph-4 of their counter affidavit within a period of four weeks from the date of receipt of a copy of this order. The respondent corporation is at liberty to issue show cause notice calling upon the petitioner for implementation of the earlier punishment suffered by the petitioner and thereafter pass appropriate orders.

6.Accordingly, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

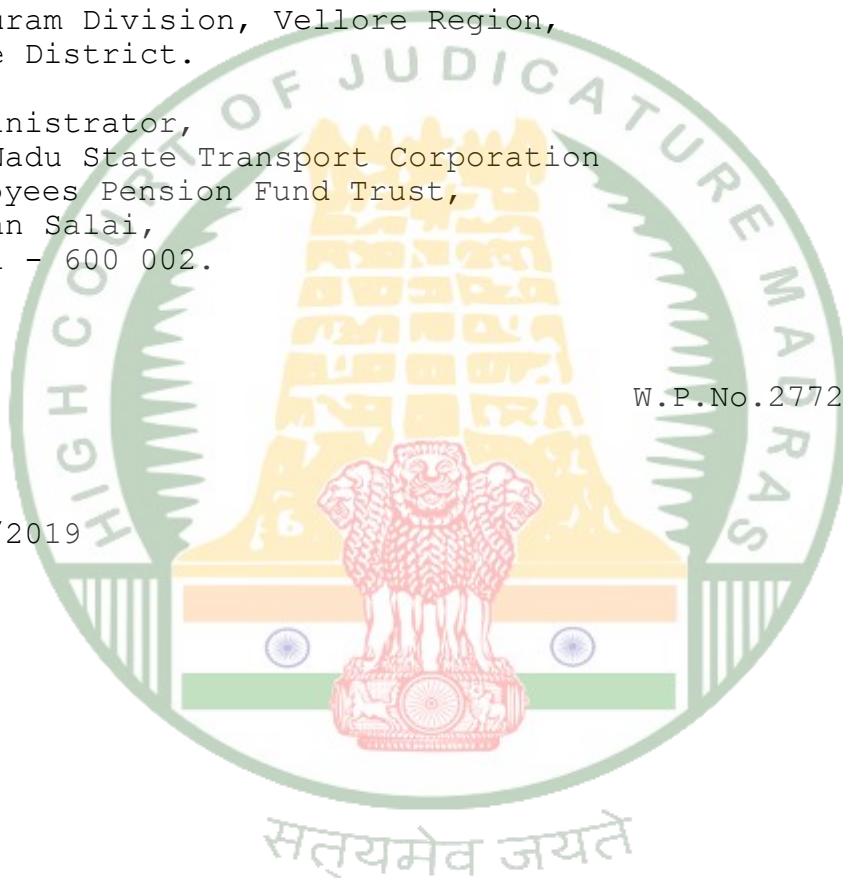
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To

- 1.The Managing Director,
Tamil Nadu State Transport Corporation (Villupuram) Ltd.,
Villupuram Division, Trichy Road,
Vazudhareddy, Villupuram.
- 2.The General Manager,
Tamil Nadu State Transport Corporation (Villupuram) Ltd.,
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- 3.The Administrator,
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srg 25/11/2019



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