

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.06.2019

CORAM

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.27287 of 2017

S.Sekaran

... Petitioner

Vs

1. The Tamil Nadu Civil Supplies Corporation,  
rep. by its Managing Director,  
Chennai - 10.
  2. The Tamil Nadu Supplies Corporation,  
rep. by its Senior Regional Manager,  
Nagai Region,  
Nagapattinam- 611001.
- ... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the respondents to release the gratuity as per the Act of 1972; to encash the accumulated earned leave standing to the petitioner's credit; to refund the 148 installments of Special Provident Fund paid by the petitioner and to release the 10% of the Provident Fund amount, which was illegally withheld, without further delay, with 10% interest on the delayed payments.

For Petitioner : Mr. S.Venkataraman

For Respondent : M/s. Sudha,  
for Mr.C.Munusamy,  
Standing Counsel

ORDER

This writ petition is filed for issuance of a Writ of Mandamus to direct the respondents to release the gratuity as per the Service Act of 1972; to encash the accumulated earned leave standing to the petitioner's credit; to refund 148 installments of Special Provident Fund paid by the petitioner and to release 10% of the Provident Fund amount, which was illegally withheld, without further delay, with 10% interest on the delayed payments.

2. The learned counsel for the petitioner submitted that even though there are no powers to impose any punishment, more particularly, after retirement, punishment of suspension period of six months without cumulative effect cannot be imposed and money recovered. Taking note of the age of the petitioner and the matter is pending for more than 2 years, the petitioner agreed for payment of 6 months increment that may be determined by the respondents and also stated that he would also be entitled to other monetary benefits.

3. When the matter is came up on 13.06.2019, this Court directed the respondents to file a memo as to the exact amount that may be recovered from the petitioner.

4. Accordingly, today memo dated 17.06.2019 has been filed by the respondents stating that the petitioner has to pay a sum of Rs.5880/- in total for a period of 6 months at the rate of Rs.980/- per month in respect of the punishment order and that the Court may pass appropriate orders.

5. Taking note of the above said memo, without expressing any opinion as to whether any punishment could be imposed after retirement and that the relationship between the employer and employee ceases after retirement and that the employee has agreed to pay a sum of Rs.5880/- mentioned supra, after adjusting the necessary amount, the balance amount shall be paid to the petitioner within 45 days from the date of receipt of a copy of this order.

6. It is made clear that if the balance amount after adjustment of the aforesaid amount of Rs.5880/-, is not paid within 45 days from the date of receipt of a copy of this order, the balance amount would fetch interest at the rate of 15% per annum from the date of filing of the writ petition till the date of payment and the interest payable shall be recovered from the Personal Funds of the respondents. It is further made clear that the balance amount shall be paid to the Petitioner within 45 days from the date of receipt of a copy of this order and recovery from the Officers should be effected.

With the above directions, this writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

mrp

To:

1.The Tamil Nadu Civil Supplies Corporation,  
rep. by its Managing Director,  
Chennai - 10.

2.The Tamil Nadu Supplies Corporation,  
rep. by its Senior Regional Manager,  
Nagai Region,  
Nagapattinam- 611001.

+lcc to Mr.S.Venkataraman, Advocate, S.R.No.49525

+lcc to Mr.C.Munusamy, Advocate, S.R.No.49558

W.P.No.27287 of 2017

TM(CO)

RRS (22/07/2019)



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