



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.09.2019

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THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

W.P(MD) No.20648 of 2019

and

WMP(MD)Nos.17270 and 17271 of 2019

The President,
YT 69, Tamil Nadu State Transport Corporation
Kumbakonam (Division - II),
Employees Cooperative Thrift & Credit Society Ltd.,
No.3, Salai Road,
Tiruchirapalli - 620 018. ... Petitioner

vs.

- 1.The Management of Tamil Nadu,
State Transport Corporation
(Kumbakonam) Ltd.,
rep.by its Managing Director,
Railway Station Road,
Kumbakonam,
Thanjavur District.
- 2.The General Manager,
Tamil Nadu State Transport Corporation
(Kumbakonam) Ltd.,
Trichy Region,
Periyamilaguparai,
Tiruchirapalli - 620 001. ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of certiorarified Mandamus Calling for the records pertaining to the Impugned Order passed by the 2nd respondent vide his Proceeding in Parvai. Tha Aa Po Ka/ Trichy/ Sa Pi 5 / Sirappu/ 2019 dated 05.08.2019 and quash the same as illegal and consequently direct the 2nd respondent to deduct the monthly demand of the petitioners society from the monthly salary and terminal benefits namely Gratuity, Provident Fund amount of the concerned loanees/employees and remit the same in the Petitioner's Society.

For Petitioner : Mr.J.Lawrance

For Respondents : Mr.D.Sivaraman



O R D E R

This Writ Petition is filed seeking to quash the impugned order of the second respondent dated 05.08.2019 and consequently direct the second respondent to deduct the monthly demand of the petitioner society from the monthly salary and terminal benefits namely Gratuity, Provident Fund amount of the concerned loanees/employees and remit the same in the petitioner society.

2.The petitioner is a Cooperative Thrift & Credit Society, providing financial assistance to the employees of the transport corporation. They are unable to collect the outstanding, when the borrowers are terminated or resign. In such a situation, they are not in a position to recover the money from the terminal benefits other than the Provident Fund and Gratuity. Therefore, the petitioner society requested the management to deduct the money from the provident fund and gratuity of the employees concerned. The administration has sent a reply that when there is a prohibition in law for deducting money from Provident Fund and Gratuity and that they expressed their inability to recover the amount under those heads from the employees. Aggrieved over the same, the petitioner is before this Court.

3.It is affirmed that in accordance with the Employees Provident Fund Act, 1952 and Payment of Gratuity Act, 1972, amounts cannot be attached towards the loan due to the financing corporations. I do not find any discrepancy in the impugned order passed. It is always open to the petitioner to enter into an agreement in accordance with law to recover money from the terminal benefits. The petitioner shall anticipate certain contingencies and shall take steps to recover it from the other sources and not from the Provident Fund and Gratuity. Hence, the prayer of the writ petitioner cannot be sustained. It is open to the petitioner to make a representation to the administration to ascertain the ways and means to recover money from the employees from other recoverable heads.

4.The writ petition is disposed of accordingly. No costs. Consequently, WMP(MD)Nos.17270 and 17271 of 2019 are closed.

Sd/-
Assistant Registrar

/TRUE COPY/

Sub Assistant Registrar

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To

1.The Managing Director,
Management of Tamil Nadu,
State Transport Corporation
(Kumbakonam) Ltd.,
Railway Station Road,
Kumbakonam,
Thanjavur District.

2.The General Manager,
Tamil Nadu State Transport Corporation
(Kumbakonam) Ltd.,
Trichy Region,
Periyamilaguparai,
Tiruchirapalli - 620 001.

+1 CC to M/s.J.LAWRANCE, Advocate (SR-89990[F] dated 27/09/2019)

+1 CC to M/s.D.SIVARAMAN, Advocate (SR-90383[F] dated 30/09/2019)

W.P(MD) No.20648 of 2019
26.09.2019

JM/15.10.2019/3P/5C