

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.02.2020

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.1863 of 2020

P.C. Vellingiri

... Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Transport Corporation (Coimbatore) Ltd.,
No.37, Mettupalayam Road,
Coimbatore District - 641 043.

2.The General Manager,
Tamil Nadu State Transport Corporation (Coimbatore) Ltd.,
Erode Region,
Erode.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of writ of mandamus, direction the respondents to pay the terminal benefits viz., pension, provident fund, gratuity and other allowances and refund amount within stipulated time along with interest for the belated payment at the rate of 18% per annum.

For Petitioner : Mr. P. Paramasiva Doss

For Respondents: Mr. A. Sundaravadhanan,
Standing Counsel

W E B C O P Y
O R D E R

This writ petition has been filed for the issue of writ of mandamus directing the respondents to pay the terminal benefits of the petitioner with interest.

2. The case of the petitioner is that he was working in the respondent Transport Corporation as a Conductor. A charge memo came to be issued against the petitioner in the year 2017. An enquiry was conducted and based on the explanation given by the petitioner, an order was passed by the second respondent by imposing a punishment of reducing the basic pay of Rs.42,000/- to Rs.17,500/-. It was further mentioned in the order that the period of suspension will be treated as

leave period. Aggrieved by the said order, the petitioner filed an appeal and the appeal was also dismissed. The petitioner has filed W.P., before this Court in W.P.No.25391 of 2019, and the same is pending.

3. The petitioner was allowed to retire from service on 28.02.2018. The grievance of the petitioner is that his retirement benefit has not been settled till date and he has made several representations to the respondents in this regard. Left with no other option, the present writ petition has been filed before this Court. The learned counsel for the petitioner submitted that the petitioner is entitled for a provisional pension based on the reduced basic pay and he is also entitled for all the terminal benefits viz., pension, provident fund, gratuity and other allowances. The learned counsel submitted that even if ultimately punishment is confirmed by this Court, the petitioner will be entitled for all those benefits and therefore, the respondents Corporation cannot deny the payment of the same to the petitioner.

4. The learned counsel appearing on behalf of the respondents submitted that the respondents have already started the process of calculating the pension based on the reduced basic pay and if some time is granted by this Court, the entire terminal benefits will be settled to the petitioner.

5. This Court has carefully considered the submissions made on either side and perused the materials available on record.

6. The petitioner has approached this Court to direct the respondents Corporation to pay the petitioner a provisional pension based on the reduced basic pay and other terminal benefits. As rightly contended by the learned counsel for the petitioner, the petitioner will be entitled for all these benefits even if the writ petition filed by the petitioner ultimately is rejected by this Court. This payment cannot be denied to the petitioner. That apart it is informed to this Court that the respondent Corporation is already in the process of calculating the pension based on the reduced basic pay. In view of the above discussion, there shall be a direction to the respondents to re-work the pension based on the reduced basic pay and fix the provisional pension of the petitioner and pay the entire arrears of pension within a period of twelve weeks from the date of receipt of copy of this order. The respondents are also directed to settle the entire terminal benefits such as provident fund, gratuity and other allowances within the said period. It is made clear that the claim of the petitioner for full pension will be subject to the result of the writ petition in W.P.No.25391/2019.

7. This writ petition is disposed of with the above directions. No costs.

Sd/-
Assistant Registrar (CS-III)

//True copy//

Sub Assistant Registrar

AT

To

1.The Managing Director,
Tamil Nadu State Transport Corporation (Coimbatore) Ltd.,
No.37, Mettupalayam Road,
Coimbatore District - 641 043.

2.The General Manager,
Tamil Nadu State Transport Corporation (Coimbatore) Ltd.,
Erode Region,
Erode.

+1cc to Mr.P. Paramasiva Doss, Advocate SR.No.15611

+1cc to Mr.A. Sundaravadhanan, Advocate SR.No.15309

W.P.No.1863 of 2020

SVI (CO)
GMY (04/03/2020)

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