

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :30.11.2020

CORAM

THE HON'BLE MR.JUSTICE P.VELMURUGAN

W.P.No. 44303 of 2006

M.Mohamed Kutpudeen

..Petitioner

vs

1.The Tamilnadu Electricity Board
Rep. By its Chairman,
No.800, Anna Salai,
Chennai - 600 002.

2.The Superintending Engineer,
Generation Circle,
Tamilnadu Electricity Board,
949, E.V.N. Road, Erode - 9.

..Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents herein to pay the entire retirement benefits in pursuance of the retirement of the petitioner on 16.10.2006.

For Petitioner : Mr.S.Gowrishankar for
M/s.G.Jermiah
For Respondents : Mr.Karthik Rajan
Senior Standing Counsel

सत्यमेव जयते
O R D E R

The petitioner has come forward with the present writ petition seeking for issuance of a writ of Mandamus, directing the respondents herein to pay the entire retirement benefits in pursuance of the retirement of the petitioner on 16.10.2006.

2.The learned counsel for the petitioner would submit that the petitioner had retired on 16.10.2006 under voluntary retirement scheme, however, no retirement benefits have been paid to the petitioner. Further submitted that no amount should be deducted from and out of the retirement benefits payable to the petitioner.

3.The learned Senior Standing counsel would submit that certain amounts viz. Rs.42,980/- payable towards TNEB Employees Co-operative thrift and credit society limited / Perundurai and also a sum of Rs.42,000/- payable towards the order made in E.P.No.265 of 2004 in O.S.No.762 of 2002 have been deducted from his surrender leave salary.

4. The learned Senior Standing counsel also referred to para 4 of the counter affidavit wherein the details of the retirement benefits sanctioned to the petitioner were indicated as below.

1.DCRG	: Rs.2,67,191/-
2.GPF	: Rs.31,952/-
3.FSFS	: Rs.18,784/-
4.SPFG	: Rs.23,449/-
5.SPFG 2000	: Rs.3,275/-
6.1st Month Pension	: Rs.3,9,32/-
7.EL encashment	: Rs.1,18,113/-

5.Heard, learned counsel appearing for the petitioner and learned Senior Standing counsel appearing for the respondents and perused all the materials available on record.

6.Admittedly, the petitioner retired on 16.10.2006 under voluntary retirement scheme and thereafter only the respondents have deducted the amount from and out of the retirement benefits payable to the petitioner. It is well settled law that the process of payment should be initiated two years in advance of the retirement of the employee held by the Hon'ble Supreme Court in its decision in "Dr.Uma Agarwal Vs State of UP & Another" reported in "1999(3) SCC 438". However, in the present case the respondents have deducted the amount after retirement of the petitioner. Therefore, the respondents are not entitled to deduct the amount from the retirement benefits of the petitioner.

7.In the said circumstances, the respondents are not entitled to make any deduction in the retirement benefits of the petitioner. It is stated in the counter affidavit that the deducted amount has been kept with Tamil Nadu Electricity Board and not remitted into the Sub Court, Erode, awaiting the orders from this Court. Therefore, the 2nd respondent is directed to pay all the retirement benefits to the petitioner within a period of four weeks from the date of receipt of a copy of this order.

8.With the above directions, this Writ Petition is allowed.
No costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

mtl

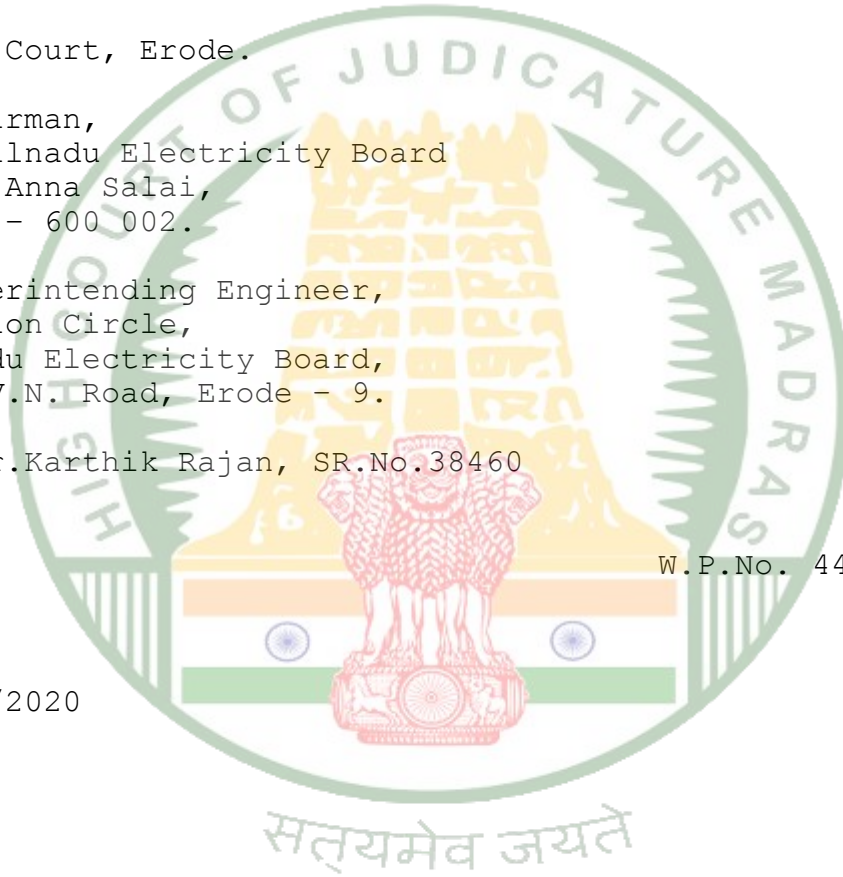
To

- 1.The Sub Court, Erode.
- 2.The Chairman,
The Tamilnadu Electricity Board
No.800, Anna Salai,
Chennai - 600 002.
- 3.The Superintending Engineer,
Generation Circle,
Tamilnadu Electricity Board,
949, E.V.N. Road, Erode - 9.

+1cc to Mr.Karthik Rajan, SR.No.38460

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KKV/22/12/2020



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