



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.09.2020

CORAM:

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD)No.13074 of 2020

R.Seralathan

...Petitioner

-Vs-

1. The Managing Director,
Tamil Nadu State Transport Corporation (KUM) Ltd.,
27, New Railway Station Road,
Kumbakonam 612 001

2. The General Manager,
Tamil Nadu State Transport Corporation (KUM) Ltd.,
Pudukkottai Region,
Thirumaiyam Salai,
Pudukkottai District - 622 001

...Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, to direct the respondents to disburse petitioner difference Provident Fund amount of Rs.41,087/- along with interest at the rate of 6%.

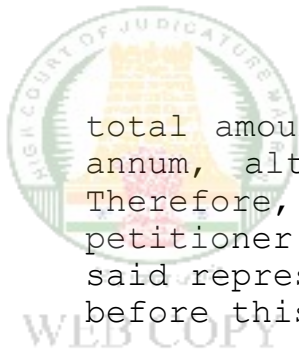
For Petitioner : Mr.K.Gokul

For Respondents : Mr.P.M.Vishnuvarthanan
Standing Counsel

O R D E R

The prayer sought for in this writ petition is for a writ of Mandamus, to direct the respondents to disburse Rs.41,087/- along with interest at the rate of 6% , pertaining to the difference in the calculation of provident fund to the petitioner.

2. The petitioner having served for several years as special Grade Tradesman at the respondent Transport Corporation, retired from service on 31.10.2015. After his retirement, all retiral benefits were given, where, instead of 29 years to be calculated for the purpose of Gratuity, only 27 years has been calculated and the retirement benefits have also been disbursed to the petitioner. Therefore, according to the petitioner, for the remaining two years i.e. 1986 to 1987, the amount corresponds to Rs.20,543/- and the



total amount in this regard is Rs.41,087/- with interest as 6% per annum, altogether a sum of Rs.51,342/- is yet to be disbursed. Therefore, in order to get the said amount, on 04.01.2020, the petitioner has given a representation to the respondents and the said representation since has not been considered, the petitioner is before this Court.

3. The learned counsel appearing for the petitioner would submit that, the said representation dated 04.01.2020, if it is considered on merits and in accordance with law, and an order to that effect is passed, then the petitioner would be satisfied.

4. Heard Mr.P.M.Vishnuvarthanan, learned standing counsel appearing for the respondents, who would submit that, the said representation of the petitioner, dated 04.01.2020 would be considered on merits and in accordance with law and accordingly, an order will be passed within the time frame to be stipulated by this Court.

5. Considering the limited scope of the prayer sought for herein and with regard to the said submissions made by both sides, this Court is inclined to dispose of this writ petition with the following orders:-

"that the respondents are hereby directed to consider the representation of the petitioner, dated 04.01.2020 and pass final orders thereon on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order ".

6. With these directions, this writ petition is disposed of. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (crl side)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To:

1. The Managing Director,
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27, New Railway Station Road,
Kumbakonam 612 001



2. The General Manager,
Tamil Nadu State Transport Corporation (KUM) Ltd.,
Pudukkottai Region,
Thirumaiyam Salai,
Pudukkottai District - 622 001

WEB COPY

+1 CC to Mr.P.M. VISHHNUVARTHANAN, Advocate (SR-18590[F] dated 30/09/2020)

+1 CC to Mr.K. GOKUL, Advocate (SR-18598[F] dated 30/09/2020)

Order made in
W.P. (MD) No.13074 of 2020
30.09.2020

VB (16.12.2020) 3P 5C