



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **03.11.2020**

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THE HONOURABLE MR.JUSTICE **KRISHNAN RAMASAMY**

W.P. (MD) No.15263 of 2020

and

W.M.P. (MD) No.12817 of 2020

R.A.Rajendran

...Petitioner

Vs

1.The Tamilnadu State Transport Corporation
(Kumbakonam) Ltd.,
represented by its Managing Director,
Kumbakonam.

2.The General Manager,
The Tamilnadu State Transport Corporation
(Kumbakonam) Ltd.,
Pudukottai Region,
Pudukottai.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the 2nd respondent in Ref.TNSTC/KUMBA/PUDU/E1/171/2020 dated 25.03.2020, quash the same in so far as allowing the petitioner to retire from service without prejudice to further action to be taken subject to the outcome of WP (MD) No.717/2020 and in so far withholding his terminal benefits from 31.3.2020 to till date and consequently direct the respondents to settle terminal benefits to him including Provident Fund, Gratuity, Terminal Leave Salary Social Security Scheme amount, Refund of Engineering Medical and Polytechnic Colleges and Institute of Road Transport Contribution, Fully monthly pension with arrears payable from 01.04.2020 and difference in Dearness Allowance on monthly pension as revised from time to time together with interest at the rate of 18% per annum payable from the date of his retirement from the service of the 1st respondent corporation to till date on which the above benefits are settled to him.

For Petitioner : Mr.A.Rahul

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



ORDER

Challenging the impugned order passed by the 2nd respondent in Ref.TNSTC/KUMBA/PUDU/E1/171/2020 dated 25.03.2020 and for a direction to the respondents to pay the terminal benefits payable to the petitioner, the present writ petition has been filed.

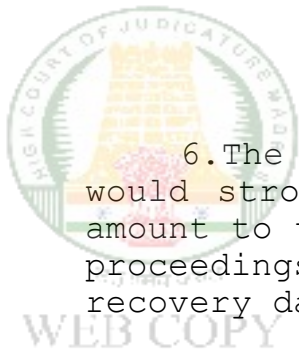
2.By consent of both parties, the writ petition is taken up for final disposal at the stage of admission itself.

3.According to the petitioner, when he was working as Senior Conductor in the respondent Corporation, the 2nd respondent has passed the order of recovery dated 17.10.2019 to recover a sum of Rs.1,33,600/- from the petitioner's salary towards monetary value equivalent to 'non-implemented punishments of increment cuts'. Challenging the same, the petitioner has filed W.P.(MD) No.717 of 2020 before this Court and this Court, by order dated 10.01.2020, granted an order of interim stay of the order of recovery dated 17.10.2019.

4.While that being so, the petitioner retired from service on 31.03.2020 without prejudice to the outcome of the action to be taken in W.P.(MD) No.717 of 2020. But the respondents have not settled the terminal benefits including Provident Fund, Gratuity, Terminal Leave Salary, Social Security Scheme amount and the Refund of Engineering, Medical and Polytechnic Colleges and Institute of Road Transport Contribution to the petitioner till date, for which, the petitioner has made a representation dated 19.06.2020 before the respondents and the same is still pending without any progress. Hence, the present writ petition.

5.The details of the terminal benefits payable to the petitioner, according to the calculation of the respondents, are as follows:-

S.No	Particulars	Amount in Rs.
1	Provident Fund	3,24,404/-
2	Gratuity	3,83,130/-
3	Terminal Leave Salary	11,362/-
4	Social Security Scheme amount	40,000/-
5	Refund of Engineering, Medical and Polytechnic Colleges and Institute of Road Transport Contribution	4,500/-
	Total	7,63,396/-



6.The learned standing counsel appearing for the respondents would strongly object to pass any order to disburse the aforesaid amount to the petitioner as the 2nd respondent has initiated recovery proceedings as against the petitioner, by virtue of the order of recovery dated 17.10.2019.

7.Admittedly, the petitioner was working as Senior Conductor in the respondent Corporation and challenging the order of recovery dated 17.10.2019, the petitioner has filed W.P.(MD) No.717 of 2020 before this Court and this Court, by order dated 10.01.2020, had granted an order of interim stay of the order of recovery dated 17.10.2019.

8.Under such circumstances, this Court is of the view that the petitioner is entitled to get the terminal benefits for a sum of Rs.7,63,396/- and if the respondents are intended to retain any terminal benefits payable to the petitioner by saying that the writ petition in W.P.(MD) No.717 of 2020 is pending, they can claim a sum of Rs.1,33,600/- alone and beyond that the respondents have no purpose to retain any amount.

9.In such view of the matter, this Court directs the respondents to consider the petitioner's representation dated 19.06.2020 to disburse the terminal benefits payable to him and pass appropriate orders, in the light of the observations made in this writ petition, within a period of twelve weeks from the date of receipt of a copy of this order, without making any further delay in the decision making process.

10.It is needless to say that if there is any delay on the part of the respondents in considering the petitioner's representation dated 19.06.2020, the petitioner is entitled to get the terminal benefits along with interest @ 7.5% p.a. for the delayed period.

11.With the above direction, the Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



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Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO:

1.The Tamilnadu State Transport Corporation
(Kumbakonam) Ltd.,
represented by its Managing Director,
Kumbakonam.

2.The General Manager,
The Tamilnadu State Transport Corporation
(Kumbakonam) Ltd.,
Pudukottai Region,
Pudukottai.

+1 CC to M/s.P.M. VISHNUVARTHANAN, Advocate (SR-20975[F] dated 03/11/2020)

+1 CC to M/s.A.RAHUL, Advocate (SR-21220[F] dated 05/11/2020)

W.P. (MD) No.15263 of 2020

03.11.2020

KM(CO)

NR (26/11/2020) 4P : 5C