

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.01.2021

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.126 of 2014

G.Rajamannar

... Petitioner

Vs

Tamilnadu State Transport Corporation
(Villupuram - 1)Ltd.,
Rep.by its Managing Director,
Tiruvannamalai Region,
Tiruvannamalai.

... Respondent

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the respondent to settle the pensionary benefits of the petitioner from the date of superannuation i.e., from 01.06.2011 onwards with interest, without insisting or demanding interest on outstanding provident fund loan within a time frame.

For Petitioner : Mr.K.M.Ramesh

For Respondent : Mr.K.J.Sivakumar

O R D E R

This writ petition has been filed for a direction to the respondent to settle the pensionary benefits of the petitioner from the date of superannuation i.e., from 01.06.2011 with interest, without insisting or demanding interest on the outstanding provident fund loan.

2.The case of the petitioner is that he joined as Conductor in the Thanthai Periyar Transport Corporation on 02.07.1979 and was transferred to Pattukottai Azhagiri Transport Corporation, in the year 1992. Subsequently, due to bifurcation of Vellore Region, he was transferred to the respondent Corporation. Thereafter, on attaining the age of superannuation, he retired from service on 31.05.2011. However, he was not settled with his retirement benefits. The repeated request of the petitioner in this regard also ended in vain. Ultimately, he came to know through RTI that there was outstanding of Rs.98,625/- towards

Provident Fund loan and interest, which loan was availed by the petitioner on 02.11.1990. According to the petitioner, he was not received any communication to remit the loan amount availed by him from the provident fund account. Further, it is a bounden duty of the respondent to deduct the loan amount from the salary of the petitioner, while he was in service and as such, the failure of the respondent in settling the pensionary benefits to the petitioner for want of provident fund loan amount is arbitrary and illegal. Therefore, the petitioner has no other option except to file this writ petition for the aforesaid relief.

3.However, today, when the matter was taken up, the learned counsel for the petitioner submitted that it would suffice, if a direction is given to the respondent to consider the claim made by the petitioner in this writ petition, within a time frame to be stipulated by this Court.

4.Expressing no objection to the relief now sought by the learned counsel for the petitioner, the learned standing counsel appearing for the respondent/Transport Corporation submitted that the petitioner may be directed to send a fresh representation to the respondent in this regard, which has been agreed by the learned counsel for the petitioner.

5.Considering the facts and circumstances of the case and having regard to the submissions now made by the learned counsel on either side, this Court directs the petitioner to submit a fresh representation enclosing the relevant documents, if any, along with a copy of this order to the respondent, within a period of two weeks from the date of receipt of a copy of this order. On such submission, the respondent shall consider the same and pass appropriate orders, on merits and in accordance with law, within a period of six (6) weeks thereafter.

6.This Writ Petition is disposed of with the above direction. No costs. सत्यमेव जयते

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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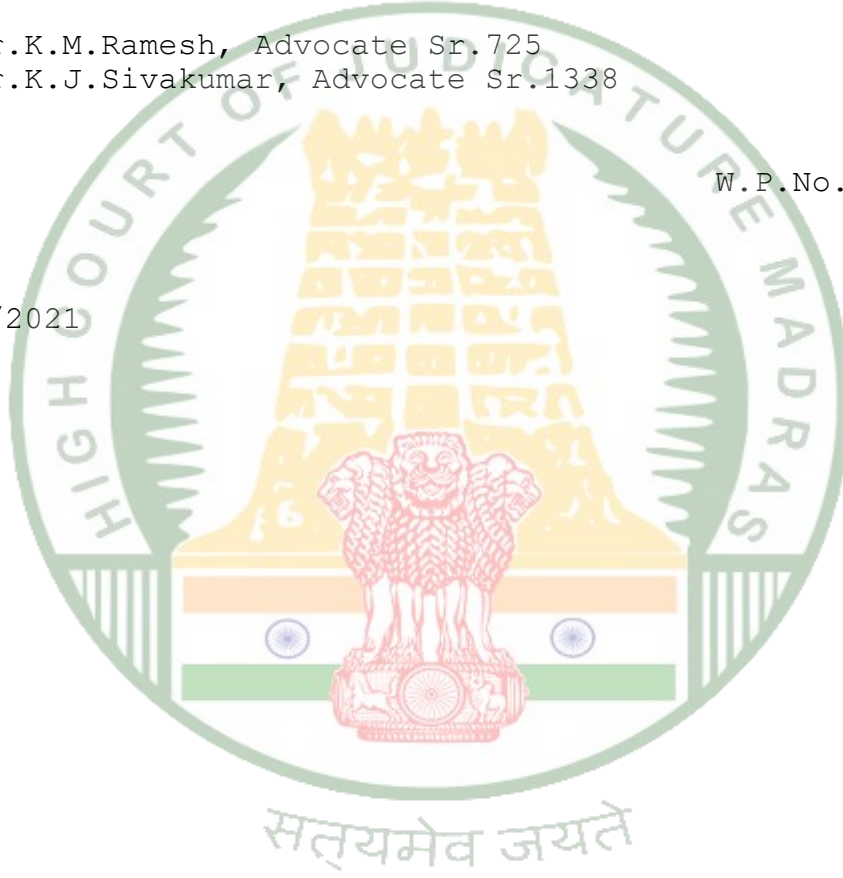
To

Tamilnadu State Transport Corporation,
(Villupuram - 1)Ltd.,
Rep.by its Managing Director,
Tiruvannamalai Region,
Tiruvannamalai.

+1cc to Mr.K.M.Ramesh, Advocate Sr.725
+1cc to Mr.K.J.Sivakumar, Advocate Sr.1338

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