



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.12.2019

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THE HON'BLE MR.JUSTICE R.SUBRAMANIAN

Rev.Petition(MD)No.170 of 2019

S.Sekar

... Petitioner

-Vs-

1.The Management of
Tamil Nadu State Transport
Corporation (Kumbakonam) Limited,
Represented by its Managing Director,
Kumbakonam.

2.The General Manager,
Tamil Nadu State Transport
Corporation (Kumbakonam) Limited,
Kumbakonam Region,
Kumbakonam.

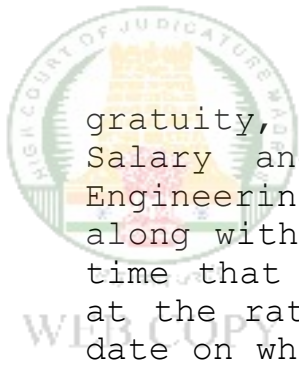
3.The Administrator,
Tamil Nadu State Transport Corporation
Pension Fund Trust,
Thiruvalluvar Illam,
Pallavan Salai,
Chennai-2.

... Respondents

Prayer: Review Petition filed under Order 47 Rule 1 & 2 R/W Section 114 of C.P.C., to review the order dated 23.01.2019 passed in W.P(MD)No.22001 of 2018 in so far as not issuing a direction to settle terminal benefits payable to the petitioner with 6% interest.

PRAYER IN WP(MD)NO.22001/2018:

Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the second respondent in Ref.No.TNSTC/Kumba/Nir.11/UNP/02-18/2017 dated 17.08.2017, quash the same insofar as imposing recovery of Rs.1,66,698/- towards non-implemented punishment of increment cuts and consequently direct the respondents to settle the petitioner's monthly pension,



gratuity, Cholan Employees Security Scheme Amount, Earned Leave Salary and Refund of his contribution made towards Medical, Engineering, Polytechnic Colleges and Institute of Road Transport along with the amount of Rs.23,926/- recovered from him within the time that may be stipulated by this Court together with interest at the rate of 18% per annum payable from 28.02.2018 to till the date on which the above amount is settled to the petitioner.

For Petitioner : Mr.A.Rahul
For R1 & R2 : Mr.D.Sivaraman
For R3 : Mr.A.Swaminathan

O R D E R

The prayer in the writ petition reads as follows:-

"For the reasons stated in the accompanying affidavit, it is prayed that this Hon'ble Court may be pleased to issue a Writ of Order or Direction or in the nature of a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the second respondent in Ref.No.TNSTC/Kumba/Nir.11/UNP/02-18/2017 dated 17.08.2017, quash the same in so far as imposing recovery of Rs.1,66,698/- towards non-implemented punishment of increment cuts and consequently direct the respondents to settle the petitioner's monthly pension, gratuity, Cholan Employees Security Scheme Amount, Earned Leave Salary and Refund of his contribution made towards Medical, Engineering, Polytechnic Colleges and Institute of Road Transport along with the amount of Rs.23,926/- recovered from him within the time that may be stipulated by this Hon'ble Court together with interest at the rate of 18% per annum payable from 28.02.2018 to till the date on which the above amount is settled to the petitioner and pass such further or other orders as this Hon'ble Court may deem fit and proper in the circumstances of the case and thus render justice."

2. By order, dated 23.01.2019 the respondents were directed to pay such amounts recovered towards non-implemented increment cuts to the petitioner within a period of twelve weeks from the date of receipt of a copy of the order with 6% interest from the date of recovery till the date of payment.

3. The petitioner seeks review of the said order on the ground that there is no direction to pay a sum of Rs.23,926/- recovered from his salary. The order, only directs the Corporation to repay the amounts recovered towards non-implemented increment cuts. It does not exclude the amount recovered from his salary.

4. Mr.D.Sivaraman, learned counsel appearing for the



respondents 1 & 2/Corporation has produced the calculation memo showing that the non-implemented increment cuts recovered from the retirement benefits amounting to Rs.1,48,772/- was already paid to the petitioner.

5. Mr.A.Rahul, learned counsel appearing for the petitioner does not dispute the said statement. So there remains a sum of Rs.23,926/-, which was recovered from the salary of the petitioner which is to be paid over to the petitioner with 6% interest. It is stated that the petitioner has made representation to that effect and hence, there shall be a direction to the respondents/corporation to pay the said amount of Rs.23,926/- with 6% interest from the date of recovery till the date of payment. It is also claimed that a sum of Rs.42,219/- is to be paid to the employee as pension arrears.

6. Mr.A.Swaminathan, learned counsel appearing for the third respondent would submit that the said sum would be paid within a period of four weeks from the date of receipt of a copy of this order.

7. The said statement is recorded and the Review Application is closed. No costs.

Sd/-

Assistant Registrar ()

// True Copy //

Sub Assistant Registrar(CS)

Am

+1 cc to Mr.A.Swaminathan , Advocate SR.No.104136

+1 cc to Mr.A.Rahul , Advocate SR.No.103901

+1 cc to Mr.D.Sivaraman , Advocate SR.No.104001

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