



WEB COPY



W.P.No.24518 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.12.2022

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THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.24518 of 2019

R. Vasanthi

... Petitioner

Vs.

The Management of Tamil Nadu
State Transport Corporation (Kovai) Ltd.,
Coimbatore Region,
Rep. by its Managing Director,
Coimbatore.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order of the respondent dated 27.12.2018 passed in Reference:2283/EPF4/TNSTC/Kovai/2018, quash the same and consequently direct the respondent to refund the amount of Rs.26,460/- recovered from the terminal benefits payable for the services of the petitioner's deceased husband/employee J.Ramesh, Staff No.08DR1C21351, in the name of unimplemented period of increment cut punishment, together with 6% interest p.a.

For Petitioner : Mr.V. Ajoy Khose

For Respondents : Mr.A. Sundaravadhanam



W.P.No.24518 of 2019

ORDER

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The petitioner's husband namely J. Ramesh, while in service as a Driver under the respondent/Transport Corporation, was imposed with a punishment of increment cut. While the petitioner's husband was undergoing the punishment, he expired on 13.06.2016. On the claim made by the petitioner seeking for disbursement of the Death Cum Retirement Gratuity Benefits, the respondent had deducted a sum of Rs.26,460/- through their proceedings dated 25.07.2016. When the petitioner had sought for refund of the said amount, the same came to be rejected by the respondent herein. Challenging this order, the present Writ Petition has been filed.

2. The ground on which a sum of Rs.26,460/- was deducted from the Death Cum Retirement Gratuity Benefits, was that the petitioner's husband had not undergone the entire punishment of increment cut. When the petitioner's husband had expired during the continuity of service, the punishment itself would automatically abate.



W.P.No.24518 of 2019

3. While that being so, there is no justification on the part of the respondent for having deducted a sum of Rs.26,460/- on the head of unimplemented period of increment cut. Since such an action of reduction is illegal, the petitioner would be entitled for refund as well as for the payment of interest on the same.

4. Accordingly, the Writ Petition stands allowed and the impugned order dated 27.12.2018 is hereby quashed. Consequently, there shall be a direction to the respondent herein, to forthwith refund a sum of Rs.26,460/- together with interest @ 6% p.a., from 25.07.2016 till the date of actual disbursements. Such an order shall be passed atleast within a period of four (4) weeks from the date of receipt of a copy of this order. No costs.

09.12.2022

Index : Yes/No

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To

The Managing Director,
Management of Tamil Nadu
State Transport Corporation (Kovai) Ltd.,
Coimbatore Region, Coimbatore.



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W.P.No.24518 of 2019

M.S.RAMESH,J.

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W.P.No.24518 of 2019

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