



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 20.10.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

WP(MD)No.12996 of 2022

and

WMP(MD)No.9221 of 2022

A.John Peter

... Petitioner

vs.

1.The Tamil Nadu Transport Corporation,
(Kumbakonam-III) Limited,
Rep.by its Managing Director,
No.27, Railway Station New Road,
Kumbakonam – 612 007, Thanjavur District.

2.The Administrators,
Tamil Nadu State Transport Corporation,
Pension Fund Trust, Thiruvalluvar House,
Pallavan Salai, Chennai -2.

... 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 of the second respondent impugned order in Lr.No.326-2022/L2/TNSTC EPFT/2022 dated 30.03.2022 and quash the same as illegal and consequently direct the second respondent to pay the accrued interest of pensionary benefit to the petitioner following the order of this Court in WP(MD)No.7730 of 2013 dated 14.11.2014.



For Petitioner : Mr.J.Nantha Kumar
For Respondents : Mr.K.Jegadees Balan for R1
Mr.H.C.Herold Singh for R2

ORDER

Heard the learned counsel on either side.

2.The petitioner was working as conductor in the respondent corporation. He met with an accident and suffered disability as a result on 15.12.1997. He was discharged from service on 29.10.1998. Questioning the same, the petitioner filed a writ petition and by virtue of the orders passed by this Court, he was provided with alternative employment with pay protection and continuity of service with all benefits. The petitioner reached the age of superannuation on 31.03.2005. However, there was a dispute regarding disbursement of his retiral benefits. Questioning the same, the petitioner filed WP(MD)No.7730 of 2013. The writ petition was disposed of on 14.11.2014 in the following terms :

"8. Therefore, this Court directs the respondent corporation to deduct the entire amount of Rs.1,04,633/- payable by the petitioner from and out of Rs.5,38,493/- and refund the balance amount with interest at the rate of 6% forthwith. It is made clear that if the amount of Rs. 5,38,493/- is consisting of payment of interest on delayed payment, the respondent need not pay additional interest. Needless to mention that the respondent shall also



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reimburse a sum of Rs.1,31,545/- for computation of pension. The above exercise shall be completed within a period of three months from the date of receipt of a copy of this order."

3.The contention of the petitioner is that the benefits payable to him were not settled in terms of the aforesaid order. That led to the filing of the present writ petition. The learned counsel for the petitioner reiterated all the contentions set out in the affidavit filed in support of the writ petition. He also filed a calculation memo and claimed that the petitioner has to be paid a further sum of Rs.4,99,674/-.

4.The learned counsel for the respondents reiterated the instructions given to them and contended that the writ petition deserves to be dismissed.

5.I carefully considered the rival contentions and went through the materials on record. The counsel for the petitioner would strongly urge that the interest payable to the petitioner must be computed with effect from 31.03.2005. I am not able to agree. It is not the first round of litigation. The petitioner had already filed WP(MD)No.7730 of 2013. Therefore, the respondent management was justified in strictly



going by the direction set out therein. There is no direction for payment of interest with effect from 31.03.2005 in the aforesaid order dated 14.11.2014. The pension arrears payable to the petitioner was Rs.5,97,126/-. Deducting the loan liability, it comes to Rs.4,85,538/-. It is seen that the respondents have not paid any interest on the computation amount of Rs.1,31,545/-. It is also seen that the interest amount of Rs.15,963/- which ought to have been paid on 19.06.2015 was paid only on 16.03.2022. Of course, this amount also will carry interest. Adding everything together, I conclude that the respondents are liable to pay a further sum of Rs.28,672/-. The respondents are directed to pay the said amount to the petitioner forthwith and without any delay.

6.This writ petition is partly allowed. No costs. Connected miscellaneous petition is closed.

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Internet : Yes/ No
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G.R.SWAMINATHAN, J.

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