



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P (MD) No. 21110 of 2021

V.Chelladurai

... Petitioner

-Vs-

1. The Managing Director,
Tamil Nadu State Transport Corporation (Madurai) Limited,
Bye-pass Road,
Madurai - 625 016.
 2. The General Manager,
Tamil Nadu State Transport Corporation (Madurai) Limited,
Virudhunagar Region,
Virudhunagar.
 3. The Administrator,
Tamil Nadu State Transport Corporation Employees Pension,
Fund Trust, Pallavan Salai,
Chennai - 600 002.
 4. The Secretary / Chairman of All State Transport Undertakings,
Secretariat,
Chennai - 600 009.
- ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents to settle the excess commutation recovered from pension of Rs.99,968/-, additionally recovered from the petitioner at the rate of Rs.6,248/- (10,233-3,985=6,248) for 16 months for the period from September 2019 to 30.01.2021 being the belated settlement of additional commutation of Rs.6,12,884/- on 30.01.2021 along with interest at the rate of 18% per annum for the period September 2019 to January 2021.

For Petitioner : Mr.S.Govindan

For Respondents : Mr.S.C.Herold Singh for R1 to R3
Mr.P.T.Thiraviam
Government Advocate for R4



O R D E R

The relief sought for in the present Writ Petition is to direct the respondents to settle the excess commutation recovered from pension of the petitioner along with interest at the rate of 18% per annum for the period September 2019 to January 2021.

2. According to the petitioner, he was paid commutation of Rs.4,00,301/- at the time of retirement on 30.06.2016 after adjusting Rs.3,985/- towards commutation in his pension from July 2016 and he was granted 7th Pay Commission Recommendation of pension from September 2019. Subsequently, pensionary benefits of commutation of the petitioner was revised based on the 7th Pay Commission Recommendation and the same was increased from Rs.4,00,301/- to Rs.10,13,185/- from September 2019. Consequently, deduction towards Commutation of Pension was increased from Rs.3,985/- to Rs.10,233/-, from September 2019 onwards. Even though the revised and increased commutation of Rs.10,233/- was effected right from September 2019, the revised total commutation of Rs.6,12,884/- was settled only on 30.01.2021 after a delay of 16 months. Hence, the petitioner has made a detailed representation by way of registered post on 08.10.2021 to settle the excess amount of Rs.99,968/- recovered before effecting additional commutation of Rs.6,12,884/- along with interest. Since there is no positive action, she has filed the present Writ Petition.

3. The learned counsel for the respondents submits that the commutation amount has already been paid. However, he requests time for paying the interest for the belated payment of commutation.

4. In view of the submission made by the learned counsel appearing for the respondents, this Writ Petition is disposed of with a direction to the respondents to pay the arrears of interest for the belated payment of commutation, if any to the petitioner within a period of six weeks from the date of receipt of a copy of this order.

5. With the above direction, this Writ Petition stands disposed of. No costs.

Sd/-

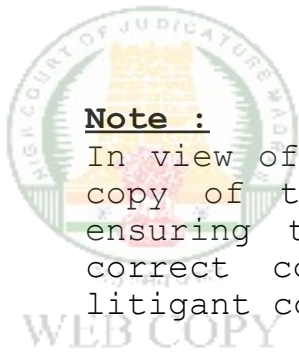
Assistant Registrar (Records)

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/ /2022

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

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4. The Secretary / Chairman of All State Transport Undertakings,
Secretariat,
Chennai - 600 009.

+1 CC to M/s.S.C.HEROLD SINGH, Advocate (SR-4261[F] dated
04/02/2022)

**W.P (MD) No. 21110 of 2021
03.02.2022**

RD(08.04.2022) 3P 6C