



W.P.Nos.39930 and 36166 of 2015
& W.M.P.No.28331 of 2019

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.06.2023

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THE HONOURABLE Mr. JUSTICE V. LAKSHMINARAYANAN

W.P.Nos.39930 and 36166 of 2015
and
W.M.P.No.28331 of 2019

V.Thangarajan

... Petitioner
in both petitions

Vs.

1.K.S.Asylam,
President,
Transport Employees Co-operative (நாணய சங்கம்),
No.19/10, Rathna Nagar,
Teynampet,
Chennai - 600 018.

2.The Managing Director,
Chennai Metro Transport Corporation,
Pallavan Salai,
Chennai - 600 002.

... Respondents
in both petitions



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Prayer in W.P.No.39930 of 2015: Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus to call for the records of the respondent in Proceedings Ref.No. NIL dated 04.03.2015, quash the same and consequently, direct the 1st respondent to pay the saving amount of Rs.6,20,370/- to the petitioner.

Prayer in W.P.No. 36166 of 2015: Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the 1st respondent to pay the damages to dispose of the representation of the petitioner dated 20.08.2015 pertaining to damages of Rs.10,000/- P.M. from 07.11.2013 to 17.03.2015 for 16 months, totalling Rs.1,60,000/- and other damages of Rs.12,000/- totalling Rs.1,72,000/- in not paying the said amount and the petitioner employee driver No.12312 with the 2nd respondent.

For Petitioner : Mr.C.Venkatesan
in both petitions

For Respondents : Mr.Murugabharathi for R1
in both petitions

Mr.R.Balaji for R2
in both petitions



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COMMON ORDER

W.P.No.39930 of 2015:

The petitioner had taken a loan from the Chennai Metro Transport Corporation, Employees Co-operative Thrift and Credit Society. Towards the same, a sum of Rs.689.30p was deducted month on month. The petitioner was dismissed from service and his gratuity has been settled. The dispute is only towards the amount which was deducted from his salary month on month. The deduction is towards the loan that he had taken from the Thrift Society. That amount had been repaid by his guarantor one Mr.Ramamoorthy at the time of his retirement. Therefore, there is no excess amount that has to be paid by the Thrift Society to the petitioner. Whatever amount was due to the Thrift Society has been paid by the said Ramamoorthy and the deduction on the petitioner of Rs.689/- only towards the loan.

2.After his dismissal from service, the amount due from the Society was not recovered because the amount was already recovered



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from the said Ramamoorthy. Today, there is nothing outstanding from the Society to the Writ Petitioner. If at all it is Mr.Ramamoorthy who can file a case against the petitioner for the recovery of the amount that he had paid on Thangarajan's behalf to the Society. The other dues having been paid it is not for me to work out the due from Mr.Thangarajan or Mr.Ramamoorthy from the Society, they have been correctly calculated in this Writ Petition.

3.Accordingly, this Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petitions is closed.

W.P.No.36166 of 2015:

4.There has been a delay in payment of gratuity. The counter affidavit admits that there is a delay. The reason for the delay is alleged the oral request made by Mr.Ramamoorthy not to release the amount. On account of the request from one employee, the right of the petitioner to his gratuity amount cannot be denied. If at all they should



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follow the procedure as contemplated under the Payment of Gratuity Act. That has not been followed. The petitioner would be entitled for interest on delay payment. As to how much it is, he has made a representation to the 2nd respondent. The 2nd respondent is yet to dispose of his representation dated 20.08.2015. Therefore, there shall be direction to the 2nd respondent to dispose of the representation within a period of eight weeks from the date of receipt of a copy of this order.

Accordingly, this Writ Petition is disposed of. No costs.

21.06.2023

Index : Yes / No
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V. LAKSHMINARAYANAN, J,

mps

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