



W.P.No.8629 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.10.2023

CORAM

THE HONOURABLE Ms.JUSTICE R.N.MANJULA

W.P. No.8629 of 2020

R.Annapooranam

... Petitioner

/Vs/

1. The Managing Director
Pallavan House,
Annasalai, Chennai-600 002.

2. The Secretary
The Transport Corporation Employees Co-operative
Thrift and Credit Society Ltd,
X-367, No.10, Rathna Nagar,
Teynampet, Chennai - 18.

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus to call for the records of the respondents in connection with the impugned order issued by the 2nd respondent dated 30.05.2020 and quash the same and further direct the 2nd respondent to disburse the retirement benefits of (Late) Ramakrishnan



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to the petitioner in pursuant to the proceeding issued by the 1st respondent.

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For Petitioner : Mr.B.Ullaselvam
For R1 : Mr.R.Balaji
For R2 : Mr.R.Murugabharathi

ORDER

This Writ Petition has been filed for issuance of Writ of Certiorarified Mandamus to call for the records of the respondents in connection with the impugned order issued by the 2nd respondent dated 30.05.2020 and quash the same and further direct the 2nd respondent to disburse the retirement benefits of (Late) Ramakrishnan to the petitioner in pursuant to the proceeding issued by the 1st respondent.

2.The Petitioner's husband viz., Ramakrishnan served as a conductor and he stood as a guarantor for the loan availed by his colleague S.V.Sampath, from the Transport Corporation Employees Co-operative Thrift and Credit Society Lt., in the year 2007. S.V.Sampath was deserted from service and become a defaulter. On 31.10.2012, the Petitioner's



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husband opted for Compulsory Retirement from Service and later died on 02.07.2013. His retirement benefits to the tune of Rs.3,78,753/- was adjusted for the loan defaulted by S.V.Sampath. The pension amount which was initially paid at Rs.14,809/-, was also subsequently reduced to Rs.9,191/-. The difference amount is said to have been deducted towards paying the defaulted loan of S.V.Sampath.

3.The first Respondent, who is the head of the institution has submitted that S.V.Sampath himself has settled the loan and no due was pending with the society by letter No.12515-APL/MTC/2019 dated 19.03.2020. The Petitioner was dragged from pillar to post for the past several years, despite his husband's retirement benefit ought not to have been withheld or deducted for the reason that Sampath had defaulted his loan.

4.Heard the learned counsel for the Petitioner and the learned counsel for the first Respondent and the learned counsel for the second Respondent.



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5.Subsequent to the filing of this Writ Petition, the second Respondent has settled a sum of Rs.3,64,971/- to the Petitioner. However the Petitioner claims that the retirement benefit due to her husband is Rs.4,10,650/- as on 11.04.2014.

6.In the counter affidavit of the second Respondent, it is admitted that original borrower himself has paid the entire amount on 31.05.2022. In such case, the second Respondent ought not to have withheld the retirement benefit payable to the Petitioner. Since the Petitioner's husband had given guarantee and the borrower S.V.Sampath did not pay the dues till 31.05.2022, the second Respondent need not withhold the retirement benefits of the deceased husband. The payment was made by the original borrower viz., S.V.Sampath in the year 2022. Even now, the second Respondent admits that there is a balance of Rs.45,679/- payable to the Petitioner and the second Respondent is ready to pay the said amount. Since the first part of the settlement has been done, immediately after S.V.Sampath paid the loan amount by himself, it is not fair and proper on



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the part of the Petitioner to claim interest from 02.07.2013.

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7.Since S.V.Sampath have settled the loan amount along with interest, the amount withheld by the second Respondent, which is payable to the Petitioner should also carry interest. Since S.V.Sampath had settled the amount on 31.05.2022, the balance amount of Rs.45,679/- ought not to have withheld by the second Respondent and the same has to be paid to the Petitioner. Hence, I feel it is just and necessary to award interest at the rate of 9% per annum for the following period:

<i>S.No.</i>	<i>Amount</i>	<i>Rate of interest</i>	<i>From</i>	<i>To</i>
1	Rs.3,64,971/-	9 %	02.07.2013	27.06.2022
2	Rs.45,679/-	9 %	02.07.2013	Till date of payment

8.With the above direction, this Writ Petition is disposed of. No costs.

09.10.2023

Index : Yes/No
Neutral citation : Yes/No
Speaking Order/Non-Speaking Order

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R.N.MANJULA, J.

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To

1. The Managing Director
Pallavan House,
Annasalai, Chennai-600 002.
2. The Secretary
The Transport Corporation Employees Co-operative
Thrift and Credit Society Ltd,
X-367, No.10, Rathna Nagar,
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