



W.P.(MD)No.1535 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.01.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.1535 of 2023

M.Balasubramanian

: Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Transport Corporation (Madurai) Ltd.,
Bye Pass Road,
Madurai,
Madurai District.

2.The General Manager,
Tamil Nadu State Transport Corporation (Madurai) Ltd.,
Dindigul Region,
Bye Pass Road,
Dindigul.

3.The Administrator,
Tamil Nadu State Transport Corporation,
Pension Fund Trust,
Thiruvalluvar House,
Pallavan Salai,
Chennai.

: Respondents



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PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus to direct the respondents No.1 and 2 herein to disburse a sum of Rs.1,22,870/- which is illegally recovered from the petitioner's terminal benefits towards excess leave availed recovery and monetary value of unimplemented punishment of increment cut, along with interest at 12% from the date of his retirement i.e. on 30.06.2013 by considering his representation, dated 20.10.2022.

For Petitioner : Mr.J.Lawrance

For Respondents : Mr.Gladson Micheal Rajadurai - for R1
Mr.S.C.Herold Singh - for R2

ORDER

This writ petition has been filed to to direct the respondents No.1 and 2 herein to disburse a sum of Rs.1,22,870/- which is illegally recovered from the petitioner's terminal benefits towards excess leave availed recovery and monetary value of unimplemented punishment of increment cut, along with interest at 12% from the date of his retirement i.e. on 30.06.2013 by considering his representation, dated 20.10.2022.



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2. The learned counsel appearing for the petitioner submitted that the petitioner appointed as a Driver in the respondent Transport Corporation in the year 1987, after completion of 26 years of unblemished service, on 30.06.2013, he was allowed to retire from the Corporation. However, the respondent Corporation effectively taken steps to recover the unimplemented punishment amount to the tune of of Rs.1,22,870/-, which is illegal. Thereafter the petitioner made a representation, dated 20.10.2022 to disburse the entire terminal benefits and the same was not considered. Hence, the present writ petition is filed with the afore said prayer.

3. The learned counsel for the petitioner would submit that this Court may issue a direction to the respondent Corporation to consider the petitioner's representation, dated 20.10.2022 within a reasonable time as fixed by this Court.

4. The learned counsel appearing for the respondent Corporation would submit that the petitioner is not challenging the recovery order which was passed as per the Rules of the Transport Corporation. However, instead



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of challenging the said order, filing the present writ petition, is not a necessary one.

5. Considering the limited request made by the learned counsel for the petitioner, without expressing any opinion on the merits of the matter, this Court directs the respondent Corporation to consider the petitioner's representation, dated 20.10.2022 and pass appropriate orders on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.

6. With the above direction, this writ petition is disposed of. No costs.

27.01.2023

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
RM



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M.DHANDAPANI, J.

RM

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