



W.P.(MD).No.13532 of 2019

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.01.2023

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THE HONOURABLE MRS.JUSTICE S.SRIMATHY

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R.Krishnamoorthy

... Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Transport,
Corporation (Kumbakonam) Ltd.,
Railway Station New Road,
Kumbakonam.

2.The General Manager,
Tamil Nadu State Transport,
Corporation (Kumbakonam) Ltd.,
Railway Station New Road,
Kumbakonam.

... 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 disburse a sum of Rs.69,600/- towards difference amount of RBS for the period from 01.12.2007 to 31.05.2016 with the time frame fixed by this Court.

For Petitioner : No Appearance

For Respondents : Mr.D.Sivaraman
Standing counsel



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ORDER

This writ petition has been filed for writ of Mandamus, directing the respondents to disburse a sum of Rs.69,600/- (Rupees Sixty Nine Thousand and Six Hundred only) towards difference amount of RBS for the period from 01.12.2007 to 31.05.2016.

2. The learned counsel appearing for the respondents submitted that the petitioner was already paid the following amount including RBS amount:

S.No.	Description	Amount	Cheque No.	Date	Installments
1.	CESS	27000	036144	28.11.2017	Entire amount paid
2.	Contribution to EEC & PMC	4360	036144	28.11.2017	Entire amount paid
3.	Leave Salary	143953	036144	28.11.2017	Entire amount paid
4.	Gratuity	236715	816686	28.11.2017	Cheque received by the petitioner on 01.12.2017



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5.	Provident Fund	60329	026601	30.03.2013	Entire amount paid
6.	Pension arrears	144637	ECS	01.09.2018	Entire amount paid
7.	Commutation	213384	ECS	01.09.2018	Entire amount paid
8.	RBS	6900	763529	15.09.2018	Entire amount paid

3. As far as RBS is concerned, the scheme that was formulated to deduct Rs.50/- (Rupees Fifty only) per month from the employee and that will be paid at the time of retirement. In the present case, the respondents have deducted Rs.50/- (Rupees Fifty only) from the year 1992-2007. From 2007 onwards, the petitioner is facing criminal prosecution. The respondents submitted that till the criminal case is under trial, the amount was deducted. From 2007 onwards, the respondents did not deduct any amount from the salary of the petitioner. Subsequently, the said scheme was stopped.

4. The respondents have also filed a counter stating that according to the scheme, the respondents have deducted Rs.9,150/- (Rupees Nine Thousand One



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Hundred and Fifty only). From the said amount, Rs.2,250/- (Rupees Two Thousand Two Hundred and Fifty only) was already paid to the petitioner. The balance amount of Rs.6,900/- (Rupees Six Thousand and Nine Hundred only) was settled through Cheque No.763529, dated 15.09.2018. Therefore, according to the respondents, there is no balance as far as the petitioner is concerned.

5. It is seen from the records, the petitioner is seeking RBS amount for the period from 2007-2016. The contention of the learned counsel for the respondents is that the respondents did not deduct any amount from 2007-2016. Subsequently the scheme itself was stopped, because another scheme was formulated. Therefore, there was no deduction. Hence, the petitioner is not entitled to RBS amount for the said period from 2007 to 2016.

6. After hearing the rival submissions, this Court is of the considered opinion that since there was no deduction from the salary for 2007-2016, the petitioner is not entitled for RBS amount for the said period. Hence, this Writ Petition is dismissed. No costs.



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

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To

- 1.The Managing Director,
Tamil Nadu State Transport,
Corporation (Kumbakonam) Ltd.,
TNSTC Head Office,
No.27, Railway Station New Road,
Kumbakonam.
- 2.The General Manager,
Tamil Nadu State Transport,
Corporation (Kumbakonam) Ltd.,
Nagapattinam Zonal,
No.140, Public Office Road,
Velippalayam,
Nagapattinam District-611 001.



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S.SRIMATHY, J.

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