



W.P.(MD)No.17216 of 2016

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.01.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)No.17216 of 2016

S.Perumal

... Petitioners

Vs.

1. The Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
Represented by its Managing Director,
Kumbakonam.
 2. The General Manager,
Tamil Nadu State Transport Corporation (Kumbakonam) Limited,
Trichy Region,
Trichy District.
 3. The Assistant Manager, (Personnel),
Tamil Nadu State Transport Corporation (Kumbakonam) Limited,
Trichy Region,
Trichy District.
 4. Y.T.69, Tamil Nadu State Transport Corporation
(Kumbakonam Division-II) Employees Co-operative
Thrift and Credit Society,
No.3, Salai, Road,
Trichirappalli – 620 018.
- ... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of *Writ of Mandamus*, directing the respondents 1 to 3 to forthwith remit a sum of Rs. 1,01,255/- which was recovered from the petitioner on 29.07.2015, to the 4th respondent society together with interest at the rate of 18% per annum for the said amount payable from 29.07.2015 to till the date on which the above amount is settled to the 4th respondent society.

For Petitioner : M/s.A.Rahul

For R-1 to R-3 : Mr.D.Sivaraman
Standing Counsel

For R-4 : No appearance

ORDER

This Writ Petition has been filed for *Writ of Mandamus*, directing the respondents 1 to 3 to forthwith remit a sum of Rs.1,01,255/- which was recovered from the petitioner on 29.07.2015, to the 4th respondent society together with interest at the rate of 18% per annum for the said amount payable from 29.07.2015 to till the date on which the above amount is settled to the 4th respondent society.



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2. Heard M/s.A.Rahul, learned counsel appearing for the petitioner and Mr.D.Sivaraman, learned Standing Counsel appearing for the respondents 1 to 3. Perused the material documents available on records.

3. The petitioner has obtained loan from the 4th respondent society and he is liable to pay a sum of Rs.1,01,255/-. The petitioner has already consented to the 2nd respondent to deduct the amount from his salary and pay the same to the 4th respondent society. Infact, the petitioner has given a letter, dated 10.04.2015 to deduct the said amount from the terminal benefits that is payable to the petitioner and pay the amount to the 4th respondent society.

4. The contention of the petitioner is that the 2nd respondent has already recovered from the petitioner's terminal benefits on 29.07.2015, but failed to remit the same in time.

5. During the pendency of the writ petition, the respondents have already paid the said amount on 24.09.2016, through bearing Cheque No.421686.



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Since the amount is paid after recovering from the petitioner belatedly, i.e., after 1 year, 2 months, the petitioner is claiming to pay interest.

6. The learned Standing counsel appearing for the respondents corporation submitted, due to financial crisis of the Tamil Nadu State Transport Corporation, the amount could not be paid in time. Moreover, the 2nd respondent ought to seek permission from the Board. It is only an administration delay.

7. Therefore, considering the rival claims, this Court is of the considered view that the 2nd respondent is liable to pay a sum of Rs.1,01,255/- with 7% interest, for the period from 30.07.2015 to 23.09.2016.

8. With the above directions, this Writ Petition is disposed of. No Costs.

Index : Yes / No
Internet : Yes
ksa

05.01.2023



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S.SRIMATHY, J

ksa

**Order made in
W.P.(MD)No.17216 of 2016**

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