



W.P.No.1117 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.01.2024

CORAM :

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.1117 of 2024 and
W.M.P.No.1171 of 2024

V.Amudu Selvan

...Petitioner

-Vs-

1) The Govt., of TamilNadu,
Rep. by its Secretary,
Department of Transport,
Secretariat, Chennai-600 009.

2) The Managing Director,
Pallavan Transport Consultancy Services Ltd.,
(PTCS), IRT Campus,
100 Feet Road, Tharamani,
Chennai- 600 113.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari calling for the records culminated in the impugned order in Proc.No.351/A1-174/08-2023 dated 31.10.2023 passed by the 2nd respondent and quash the same, in view of the order dated 07.11.2023 in W.P.No.31020 of 2023 passed by this Hon'ble Court.



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For Petitioner : Mr.S.Marshall
For Respondent 1 : Mr.A.M.Ayyadurai
Government Advocate
For Respondent 2 : Mr.R.Balaji,
Standing Counsel

ORDER

This Writ Petition has been filed challenging the order of 2nd respondent dated 31.10.2023 thereby withhold the terminal benefits of the petitioner.

2. The petitioner was employed as Senior Programmer and retired on 31.10.2023 on attaining age of superannuation by completed 34 years of service. One, V.Sridharan filed a suit for recovery of money of Rs.5,00,000/- in O.S.No.207 of 2021 on the file of the Additional Sub-Court, Namakkal as against this petitioner. It was decreed in his favour. Subsequently, he filed a writ petition in W.P.No.31020 of 2023 for direction forbearing the 2nd respondent from disbursing the gratuity amount to the petitioner till complying the decree dated 06.10.2023. This Court by order dated 07.11.2023, gave liberty to the said V.Sridharan to file appropriate Execution Petition on the strength of the decree passed in O.S.No.207 of



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2021. However, the 2nd respondent denied the entire terminal benefits consisting of Gratuity and Provident Fund.

3. The terminal benefits of the petitioner can be withheld only in accordance with law. So far the said P.Sridharan did not file any Execution Petition on the strength of the decree passed in O.S.No.207 of 2021 dated 06.10.2023. Therefore, the petitioner is entitled for his terminal benefits consisting of Gratuity and Provident Fund.

4. Therefore, the order passed by the 2nd respondent in Proc.No.351/A1-174/08-2023 dated 31.10.2023 is liable to be quashed. Accordingly, the order passed by the 2nd respondent dated 31.10.2023 is quashed. The 2nd respondent is directed to disburse the entire terminal benefits to the petitioner forthwith.

5. With the above direction, this writ petition stands allowed.



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Consequently, connected miscellaneous petition is closed. No costs.

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Index : Yes/No
Internet: Yes/No
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To
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- 1) The Secretary,
The Govt., of TamilNadu,
Department of Transport,
Secretariat, Chennai-600 009.

- 2) The Managing Director,
Pallavan Transport Consultancy Services Ltd.,
(PTCS), IRT Campus,
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G.K.ILANTHIRAIYAN,J.
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