



W.P.(MD) No.19266 of 2020

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.03.2024

CORAM

THE HON'BLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.(MD) No.19266 of 2020

P.Shanmugasundaram

... Petitioner

Vs.

1.The Managing Director,
Tamilnadu State Transport Corporation (Madurai) Ltd.,
Bye Pass Road, Madurai-625 010.

2.The Administrator,
Tamil Nadu State Transport Corporation,
Employees Provident Fund Trust,
Thiruvalluvar Illam,
Pallavan Salai, Chennai.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the order passed in Letter No.itepjp5/508, dated 12.03.2020 and the related calculation sheet deriving to Rs.1,03,936/- on 01.07.2020 and quash it as illegal and direct the 1st respondent to forward the petitioner's papers to the 2nd respondent and consequently the 2nd respondent be ordered to release the monthly pension from due date, in accordance with the settled law and by



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adjusting the pending due of Rs.16,000/- from the pension arrears within the time as fixed by this Court.

For Petitioner : Mr.K.K.Samy

For Respondents : Mr.S.C.Herold Singh
Standing Counsel

ORDER

This writ petition is filed aggrieved by the action of the respondents in not paying the pension and other retirement benefits to the petitioner, pursuant to the award passed by the learned Labour Court converting the penalty of dismissal from service into retirement with effect from 31.07.2003.

2. It is the case of the petitioner that the respondents are withholding the pensionary and other retirement benefits on the ground that the petitioner is due an amount of Rs.16,000/- taken as loan in the year 1993 and for want of payment of that loan, the respondents are not disbursing the pension and other retirement benefits. It is also the case of the petitioner that the respondents can as well adjust the amounts due and payable by the petitioner and release the balance pensionary benefits payable to the



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petitioner. However, the petitioner had seriously disputed about the quantum of the amounts that are being claimed by the respondent-Corporation.

3. When the matter is taken up for consideration, it is brought to the notice of this Court by the learned Standing Counsel appearing for the respondent-Corporation that subsequent to the filing of the writ petition, the respondent-Corporation has settled the retirement benefits to the petitioner and he is being paid pension at the rate of Rs.4,968/- from the month of March, 2021 and the arrears of pension that are payable to the petitioner to a tune of Rs.1,00,000/- also paid on 16.02.2024 after adjusting the amounts due from the petitioner. However, the details of the amounts that were adjusted and the calculations were not furnished in the counter affidavit. Learned counsel for the petitioner also, on instructions, submitted that the petitioner is receiving pension from the month of March, 2021. In view of the same, the relief sought in the writ petition has practically become infructuous.

4. However, in case, if the petitioner has got any grievance on the amounts that were recovered by the respondents from the petitioner while



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settling the retirement and pensionary benefits, it is for the petitioner to agitate against such recoveries. As it is contended by the learned counsel for the petitioner that no details of the recovery and calculations are furnished to the petitioner enabling the petitioner to verify the correctness of the same, the respondents are directed to furnish the detailed calculations of the amounts recovered from the petitioner and also the details pertaining to fixation of pay as expeditiously as possible, at any rate, within a period of two weeks from the date of receipt of a copy of this order. On receipt of the same, in case, if the petitioner is aggrieved by the said calculation or the recoveries made thereunder, it is open for the petitioner to take appropriate steps against the same in accordance with law.

5. Accordingly, this Writ Petition is disposed of. No costs.

07.03.2024

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

ABR



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MUMMINENI SUDHEER KUMAR, J.

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