



Writ Petition No.31917 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 23/1/2025

C O R A M

THE HONOURABLE Mr.JUSTICE VIVEK KUMAR SINGH

Writ Petition No.31917 of 2022
a n d
W.M.P.Nos.31352 and 31354 of 2022

B. Manoharan ... Petitioner

Vs

1. The Managing Director
State Express Transport Corporation
No.2 Tiruvalluvar Illam, Pallavan Salai
Chennai 2.
2. The Senior Deputy Manager
(Human Resource Management)
State Express Transport Corporation
No.2 Tiruvalluvar Illam, Pallavan Salai
Chennai 2.
3. The Administrator
Tamil Nadu State Transport Corporation
Employees Pension Trust Fund
No.2 Tiruvalluvar Illam, Pallavan Salai
Chennai 2.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India
praying for the issuance of a writ of certiorarified mandamus to call for the



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records of the second respondent in Letter No.030921/C5/SETC/2019 dated 7/9/2022 quash the same and direct the respondents to settle all his retirement and pensionary benefits viz., gratuity, pension and other related benefits along with interest @ 12% p.a., from the date of its due and till date of disbursement, within a limited time frame.

For petitioner	...	Mr.Venkataramani for Mr.M.Muthappan
For respondents	...	Mr.L.S.M.Hasan Fizal Additional Government Pleader for R.R.1 and 2.
		Mr.R.U.Dinesh Rajkumar Standing Counsel for R.3

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ORDER

This writ petition has been filed to quash the order dated 7/9/2022 passed by the second respondent in Letter No.030921/C5/SETC/2019 and direct the respondents to settle all his retirement and pensionary benefits viz., gratuity, pension and other related benefits along with interest @ 12% p.a., from the date of its due till the date of disbursement.



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2. The case of the petitioner in brief are as follows:-

The petitioner has entered the service of Tiruvalluvar Transport Corporation as a Driver in August 1988. Due to family circumstances, petitioner has submitted his resignation letter for voluntary retirement and the same was accepted by the benign authority vide letter dated 2/8/2005. Following the acceptance, the Corporation is bound to settle the retirement benefits in full, instead directed the petitioner to pay a sum of Rs.2,700/- towards payment to Co-optex, Madras and Rs.17,841/ towards dues without any details. Hence, the petitioner has submitted a representation on 19/5/2006 with the details of payment made towards the sum of Rs.2,700/- and sought details for the alleged excess payment. But the respondent has not sent any reply nor settled the benefits due to the petitioner. Even though the petitioner was making continuous representations from 2005 to 2019, there was no response from the respondents. Hence, the petitioner had filed W.P.No.3262 of 2020 to direct the respondents to dispose of the representation dated 7/12/2019. Vide, order dated 21/6/2022, this Court had directed the first respondent to consider the representation of the petitioner and orders to be passed within a period of twelve weeks from the date of the said order.



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3. Along with the copy of the abovesaid order, the petitioner had made a representation dated 19/8/2022 for which the second respondent issued the impugned order dated 7/9/2022 stating that the petitioner has not paid the dues to the Corporation to the tune of Rs.17,841/- and hence his claim could not be settled. Being aggrieved, the petitioner has come forward with the instant writ petition praying for the relief as stated therein.

4. Heard Mr.Venkataramani, learned counsel for the petitioner, Mr.L.S.M.Hasan Fizal, Additional Government Pleader for the respondents 1 and 2 and Mr.C.S.K.Sathish, learned Standing Counsel for the third respondent.

5. The learned counsel appearing for the petitioner would submit that the petitioner has submitted no due certificates provided by all the Departments and also surrendered the Identity Card, Uniform, Shoes, etc., even before his resignation and the same were accepted. The recovery from the salary is one of the punishments and in the absence of any violation of Service Rules, amount cannot be recovered from the salary of the Government Servant.



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6. Perused the materials available on record.

7. It is not in dispute that the petitioner had entered the service of Tiruvalluvar Transport Corporation as a Driver in the year 1988 and on voluntary retirement, he was relieved from service on 11/7/2005. It is to be noted that his resignation was accepted based on No Due Certificate submitted. But strangely, the petitioner was directed to pay a sum of Rs.17,841/- alleging dues under various heads. The respondents ought to have deducted such sum while disbursing his retirement and pensionary benefits, instead of citing the same as an impediment to process his terminal benefits is highly discriminatory in nature. A bare perusal of the materials available on record, it could be deduced that the respondents have purposefully withheld the retirement and pensionary benefits of the petitioner from 2005 to till date.

8. In such a view of the matter, second respondent is directed to settle all the retirement and pensionary benefits, viz., gratuity, pension and other related benefits, which the petitioner is entitled to, along with interest at 12% p.a., from the date of its due till the date of disbursement, within a period of one month from the date of receipt of a copy of this order.



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mvs.

9. With the above direction, this writ petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

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mvs.

Index: yes/No

Neutral Citation: Yes/No

To

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