



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:09.06.2016

CORAM:

THE HONOURABLE MR.JUSTICE SANJAY KISHAN KAUL,
THE CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE NOOTY.RAMAMOHANA RAO

W.A. (MD) No.951 of 2016
against

M.P. (MD) .Nos.1 and 2 of 2015
in
W.P (MD) No.5281 of 2015

S.Durairaju

... Petitioner/Petitioner/Appellant

Vs

- 1.The Tamil Nadu State Transport Corporation (Kumbakonam) Ltd,
rep.by its Managing Director,
Kumbakonam.
- 2.The Deputy Manager (Accounts and Audit),
The Tamil Nadu State Transport Corporation (Kumbakonam) Ltd,
Trichy Region, Trichy.
- 3.The Assistant Manager (Personnel),
The Tamil Nadu State Transport Corporation (Kumbakonam) Ltd,
Trichy Region, Trichy.
- 4.The Administrator,
The Tamil Nadu State Transport Corporation Employee Pension Fund Trust,
Thiruvalluvar Illam,
Pallavan Sali,
Chennai-600 002.

...Respondents/Respondents/Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letter Patent against the order dated 09.04.2015 passed in M.P.(MD).Nos.1 and 2 of 2015 in W.P(MD)No.5281 of 2015 on the file of this Court insofar as directing the respondents to settle the appellant's terminal / retirement benefits on seniority without any interest.

Prayer in MP(MD). 1/ 2015 in WP(MD).5281/2015 :

To pass an order of Interim stay of the Impugned working sheet of Petitioner s retirement benefits and consequential proceedings of the 2nd respondent in Ref. Tha.Aaa.Po.Ka. / Kumba / Tiru / Oyyuthiyam / 205/15 dated 17.03.2015, in so far imposing recovery of Rs.48,600/- on the petitioner towards non implemented punishments of increment cut pending disposal of the above WP.

Prayer in MP(MD). 2/ 2015 in WP(MD).5281/2015 :

To grant interim direction, directing the respondents to pay the petitioner s monthly pension.

Prayer in WP(MD). 5281/ 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the Impugned workign sheet of Petitioner s retirement benefits issued by the 3rd respondent dated 02.02.2015 and consequential proceedings of the 2nd Respondent in Ref. Tha.Aaa.Po.Ka. / Kumba / Tiru / Oyyuthiyam / 205/15 dated 17.03.2015, quash the same as illegal in so far as imposing recovery fo Rs.48,600/- towards non implemented punishment of increment cut and not settling retirement benefits payable to the petitioner on the ground that he did not remit the recovery amount to the respondents and consequently direct the respondents to disburse his retirement benefits including monthly pension, Gratuity, Commuted value of pension, leave salary, Social Security scheme arrears and all other attendant national benefits together with interest at the rate of 18% Per annum Payable from 30.11.2014 tp till date of actual payment.

For Appellants ... Mr.A.Rahul

For Respondent ... Mr.D.Sivaraman

* * * *

JUDGMENT

(Judgment of this Court was delivered by
THE HON'BLE THE CHIEF JUSTICE)

By consent of the learned Counsel for the parties, this appeal is taken up for final disposal.

2. Challenge is made only to a part of the direction issued in the impugned order of the learned single Judge, wherein, terminal benefits were directed to be released based on seniority.

<https://hcservices.ecourts.gov.in/hcservices> Since the issue is no more *res integra*, in terms of the decision of the Division Bench of this Court in Writ Appeal No.383 to 457 of 2015 decided on 12.06.2015, it is agreed that the



said direction passed by the learned Single Judge be modified in terms of the orders passed by the Division Bench, referred to above and accordingly, it is modified.

4. This appeal is allowed to the afore-said extent. There shall be no order as to costs.

Sd/
Assistant Registrar (CS-I)

/True copy/

Sub Assistant Registrar

To

1. The Managing Director,
The Tamil Nadu State Transport
Corporation (Kumbakonam) Ltd,
Kumbakonam.
2. The Deputy Manager (Accounts and Audit),
The Tamil Nadu State Transport
Corporation (Kumbakonam) Ltd,
Trichy Region, Trichy.
3. The Assistant Manager (Personnel),
The Tamil Nadu State Transport
Corporation (Kumbakonam) Ltd,
Trichy Region, Trichy.
4. The Administrator,
The Tamil Nadu State Transport
Corporation Employee Pension Fund Trust,
Thiruvalluvar Illam,
Pallavan Sali, Chennai-600 002.

+1cc to mr.D.Sivaraman, Advocate in SR.No.29639

SDR/SK-SKN/29.06.2016/3P/6C

W.A. (MD) No. 951 of 2016
09.06.2016