



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **16.06.2017**

CORAM:

THE HONOURABLE MR.JUSTICE **T.S.SIVAGNANAM**
AND
THE HONOURABLE MR.JUSTICE **P.VELMURUGAN**

W.A. [MD] .No.618 of 2017
and
C.M.P (MD) .No.5132 of 2017

- 1.The General Manager,
Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
Railway Station New Road,
Kumbakonam. : Appellant No.1/Respondent No.1
- 2.The Managing Director,
Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
Railway Station New Road,
Kumbakonam : Appellant No.2/Respondent No.2
- Vs.
- R.Krishnamoorthy : Respondent / Petitioner

PRAYER: Writ Appeal is filed under Clause 15 of the Letters Patent praying to set aside the order dated 10.03.2015 made in W.P.(MD). No.10793 of 2007, on the file of this Court.

Prayer in WP(MD). 10793/ 2007 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus or any other Writ or Order or Direction in the nature of Writ calling for the records relating to the impugned order issued by the 2nd respondent in தஞ்சாவூர்/கும்பகோணம்/நிர்8/படி 189/2007-11-1 dated 21.11.2007 and quash the same as illegal and consequently direct the respondents to settle terminal benefits to the petitioner and pass such further or other orders.

For Appellants : Mr.D.Sivaraman
Standing Counsel

For Respondent : Mr.Rahamadullah

**JUDGMENT**

[Judgment of the Court was delivered by **Mr.T.S.SIVAGNANAM, J.**]

Heard Mr.D.Sivaraman, learned counsel appearing for the appellants and Mr.Rahamadullah, learned counsel appearing for the respondent.

2. This Writ Appeal is directed against the order passed in W.P.(MD).No.10793 of 2007 dated 10.03.2015. The respondent filed the said Writ Petition challenging the order dated 21.11.2007, by which the respondent was permitted to retire from service, without prejudice to the pendency of the criminal proceedings. The petitioner/Writ petitioner had retired from service on 30.06.2007.

3. Admittedly, no departmental proceedings were initiated against the respondent and the conditional order, relieving him from service, was on the ground that the First Information Report was registered by the Director of Vigilance and Anti Corruption, Thanjavur, in Crime No.25 of 2003. It appears that totally, there were 41 persons, who were arrayed as accused, of which departmental proceedings were initiated only against 15 persons. However, the appellant was being paid provisional pension in accordance with the Tamil Nadu State Transport Corporation Employees Pension Fund Rules. The Writ Court found that even though the First Information Report was registered in the year of 2003, no departmental proceedings were initiated against the respondent and therefore, directed the settlement of the terminal benefits together with interest at the rate of 6% per annum from the date of retirement till the date of payment, within a time frame. The reason assigned by the Writ Court in directing the settlement of the terminal benefits is just and proper in the facts and circumstances of the case. However, we have certain reservations with regard to the order passed by the Writ Court directing payment of interest. Admittedly, the respondent has been paid the provisional pension from the date, on which he was permitted to retire from service. Therefore, the question of payment of interest does not arise.

4. For all the above reasons, the Writ Appeal is partly allowed and the direction issued by the Writ Court, directing the settlement of terminal benefits to the respondent is affirmed and the order, directing payment of interest is set aside. The terminal benefits shall be settled to the respondent/Writ petitioner, within a period of eight weeks from the date of receipt of a copy of this Judgment. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(RTI)

/True copy/



To

1.The General Manager,
Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
Railway Station New Road,
Kumbakonam.

2.The Managing Director,
Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
Railway Station New Road,
Kumbakonam.

+1 cc to Mr.D.Sivaraman , Advocate in SR.No. 60655

+1 cc to Mr.N.Rahamadullah , Advocate in SR.No. 60941

NB

AE/SV MMS/SAR1/23.06.2017/3P/5C

JUDGMENT MADE IN
W.A. [MD] .No.618 of 2017
and
C.M.P (MD) .No.5132 of 2017
16.06.2017