



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.08.2017

CORAM

THE HON'BLE Mr.JUSTICE N.SATHISH KUMAR**W.P. (MD) No.9846 of 2015**

G.Ganeshamoorthy

... Petitioner

-vs-

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

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

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order issued by the 2nd respondent in தஞ்சாவூர்/கும்பகோணம்/பெ/236-08/09-02/1, dated 21.02.2009 and quash the same as illegal and consequently direct the respondents to settle all the terminal and monetary benefits to the petitioner with interest within the time stipulated by this Hon'ble Court.

For Petitioner : Mr.N.Rahamadullah

For Respondents : Mr.D.Sivaraman

O R D E R

The petitioner filed the writ petition challenging the order dated 21.02.2009, by which the petitioner was permitted to retire from service, without prejudice to the pendency of the criminal proceedings. The petitioner/writ petitioner had retired from service on 28.02.2009.

2.Heard Mr.Rahamadullah, the learned counsel appearing for the petitioner and Mr.D.Sivaraman, the learned Standing Counsel appearing for the respondents.

3.In a writ appeal in W.A.(MD) No.618 of 2017, filed against the connected writ petition in W.P.(MD) No.10793 of 2007 by one of the co-accused in the criminal proceedings, a Division Bench of this Court has passed the following order:



"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.

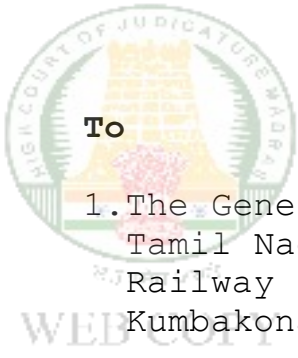
5. For all the above reasons, the Writ Appeal is partly allowed and the direction issued by the Writ Court, directing the settlement of terminal benefits to the respondent is affirmed and the order, directing payment of interest is set aside. The terminal benefits shall be settled to the respondent/Writ 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."

4. Following the said decision, the impugned order is liable to be set aside. Accordingly, this Writ Petition is allowed and the impugned order of the 2nd respondent in தகுபாக/கும்ப/நிர்8/படி/236-08/09-02/1, dated 21.02.2009, is set aside and the respondents are directed to settle all the terminal benefits to the petitioner within a period of eight weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar(Writs)

/True copy/



To

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

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

+1 cc to Mr.N.Rahamadullah , Advocate in SR.No. 74926

sj

AE/KP/SAR2/07.09.2017/3P/4C

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