



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.07.2017

CORAM :

THE HONOURABLE MR.JUSTICE T.RAJA

WP (MD) No.16907 of 2016

and

WMP (MD) Nos.12265 and 12266 of 2016

T.Nagarajan

... Petitioner

vs.

1) The Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
Rep. by its Managing Director,
Kumbakonam.

2) The General Manager,
The Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
Karaikudi Region,
Karaikudi.

3) The Administrator,
The Tamil Nadu State Transport Corporation Pension Fund Trust,
Thiruvalluvar Illam,
Pallavan Salai,
Chennai-2.

... Respondents

Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the 2nd respondent in Tha.A.Po.Ka/Sattam/Sa.1/111 Legal Department, Karaikudi Region dated 07.05.2016, quash the same and consequently direct the respondents to settle all the petitioner's terminal benefits including gratuity, Social Security Scheme Amount, Post Retirement Benefits Scheme Amount, full monthly pension without any Commutation and leave salary together with interest at the rate of 18% per annum payable from 31.05.2007 to till the date on which the above terminal benefits are settled to the petitioner.

For Petitioner : Mr.A.Rahul

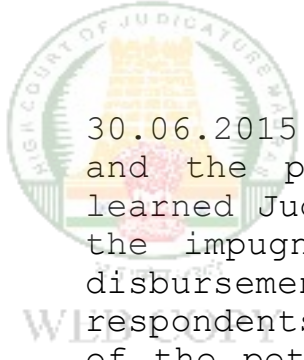
<https://hcservices.ecourts.gov.in/hcservices/> For Respondents : Mr.D.Sivaraman

ORDER

The present writ petition is directed against the impugned order dated 07.05.2016, in and by which, the request of the petitioner to release the terminal/retiral benefits has been turned down, on the ground that till the legal opinion is obtained from the Government counsel, the retiral benefits cannot be disbursed.

2. Assailing the impugned order, learned counsel for the petitioner would submit that the petitioner having joined the 1st respondent corporation on 31.03.1974 as Diploma Trainee, was given appointment as Technical Supervisor. After periodical promotion, he also reached the level of Selection Grade Assistant Manager. While serving as Selection Grade Assistant Manager, unfortunately, a criminal case was registered against 16 employees of the 1st respondent corporation on the file of the Inspector of Police, District Crime Branch Police Station, Pudukkottai, in Crime No.5/1989 for the offence under Sections 409, 477(A), 120(b) IPC, alleging that there was shortage of materials and stock during the audit visit. Thereafter, final report was filed against the petitioner and others and the same was also taken on file in C.C.No.24/1997 on the file of the learned Judicial Magistrate, Pudukkottai, for trial of offences under Sections 409, 477(A) and 120(b) IPC. In the meanwhile, the petitioner also reached the age of superannuation on 31.05.2007, therefore, he was allowed to retire from service subject to the outcome of the criminal case pending against him.

3. It is further submitted that as the case was pending for long time, the petitioner and other accused in the said criminal case filed CrI.O.P(MD)No.20177/2013 seeking to quash the criminal case pending against them in C.C.No.24/1997 on the file of the learned Judicial Magistrate, Pudukkottai. This Court by order dated 30.06.2015 allowing the said CrI.O.P, quashed the entire criminal proceedings, therefore, when the entire criminal proceedings were quashed by this Court and the learned Judicial Magistrate, Pudukkottai, also passed an order on 29.07.2015 closing the criminal case, even after the receipt of the order copy closing the criminal case, the respondents are unnecessarily prolonging the matter without disbursing the retiral benefits of the petitioner to which he is legally entitled to on a premise that unless further legal opinion is obtained from the Government counsel with regard to disbursement of the retiral benefits, the same cannot be disbursed, therefore, the impugned order is liable to be set aside, it is pleaded.



30.06.2015 also clearly shows that the said petition was allowed and the proceedings in C.C.No.24 of 1997 on the file of the learned Judicial Magistrate, Pudukkottai, were quashed, therefore, the impugned order passed by the 2nd respondent prolonging the disbursement of the retiral benefits stands quashed and the respondents are hereby directed to pay the entire retiral benefits of the petitioner within a period of four weeks from the date of receipt of a copy of this order.

With the above direction, this writ petition stands allowed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(C.O)

/True Copy/

Sub-Assistant Registrar

To

1)The Managing Director,
Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
Kumbakonam.

2)The General Manager,
The Tamil Nadu State Transport
Corporation (Kumbakonam) Ltd.,
Karaikudi Region,
Karaikudi.

3)The Administrator,
The Tamil Nadu State Transport
Corporation Pension Fund Trust,
Thiruvalluvar Illam,
Pallavan Salai,
Chennai-2.

+One cc to Mr.D.Sivaraman, Advocate, SR.No.65353

+One cc to Mr.A.Rahul, Advocate, SR.No.65735

nbi

RL/6C/3P/KP/SAR3/28/7/2017

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