



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **05.03.2018**

CORAM:

THE HONOURABLE MR.JUSTICE **T.S.SIVAGNANAM**
AND
THE HONOURABLE MRS.JUSTICE **R.THARANI**

W.A. [MD] .No.345 of 2018
and
C.M.P. [MD] No.2122 of 2018

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.

: Appellants/Respondents

Vs.

R.Balakrishnan

: Respondent/Petitioner

PRAYER: Writ Appeal is filed under Clause 15 of the Letters Patent to set aside the order passed in W.P.(MD).No.20716 of 2015 dated 28.08.2017 and dismiss the above writ petition.

Prayer in WP(MD). 20716/ 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 relating to the impugned order issued by the 2nd respondent in Tha.A.Po.Ka/Kumba/Nir8/Pa0/236-03/09-1 dated 21.01.2009 and quash the same as illegal and consequently direct the respondents to settle terminal benefits to the petitioner.

For Appellants

: Mr.D.Sivaraman

For Respondent

: Mr.N.Rahamadhullah

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

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

2.This appeal is directed against the order dated 28.08.2017 made in W.P.(MD).No.20716 of 2015.

3.The said writ petition was filed by the respondent herein seeking for issuance of a Writ of Certiorarified Mandamus, to quash the order passed by the second appellant dated 21.01.2009 and to direct the appellants to settle all the terminal benefits and monetary benefits to him.

4.The learned Single Judge by the impugned order allowed the writ petition and while doing so, followed the Judgment in W.A.(MD)No.618 of 2017. It is not in dispute that the said Judgment in W.A.(MD)No.618 of 2017, arise out of identical circumstances. The said Judgment has attained its finality.

5.The learned counsel appearing for the appellants sought to draw a distinction between the judgment in W.A.(MD)No.618 of 2017 and the facts of the present case by observing that as early as in the year 2000 itself, charge proceedings were issued to the respondent workman. However, the fact remains that no further action was taken, pursuant to the charge proceedings nor the impugned order in the writ petition dated 21.01.2008. Therefore, we find that the Judgment in W.A.(MD)No.618 of 2017 squarely covers the case on hand.

6.The learned single Judge while allowing the writ petition has taken note of the Judgment in W.A.(MD)No.618 of 2017 and also referred the relevant paragraphs in the Judgment, namely, paragraphs 3 and 5. Thus, for the above reasons, we find that there is no merit in this appeal, as it is squarely covered by the aforementioned Judgment. For such reason, this appeal is dismissed.

7.The learned counsel appearing for the respondent submitted that the Court may fix time limit to settle the retirement benefits to the respondent.

8.Considering the fact that the respondent has attained the age of superannuation in the year 2009, the appellants are directed to settle all the terminal benefits to the respondent, within a period of eight weeks from the date of receipt of a copy



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of this Judgment. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

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/True Copy/

Sub Assistant Registrar

+ 1 cc TO Mr.D.Sivaraman , Advocate in SR No. 53211

Myr/ta

AE/SKN RSK/SAR4/22.03.2018/3P/2C

**JUDGMENT MADE IN
W.A. [MD] .No.345 of 2018
05.03.2018**