



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: **19.02.2018**

CORAM:

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

WEB COPY

W.P. (MD) No. 1425 of 2018
and
W.M.P. (MD) . No. 1483 of 2018

A. Krishnamoorthy

.. Petitioner

Vs.

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

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

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the second respondent in தகுபாக/கும்ப/நிர் 8/படி/02/2014 dated 21.02.2014 and quash the same as illegal and consequently direct the respondents to settle all terminal and monetary benefits to the petitioner with interest within the time stipulated by this Court

For petitioner
For respondents

: Mr. K. Gokul
: Mr. D. Sivaraman
Standing Counsel

O R D E R

Heard the learned counsel on either side

2. By consent of both parties, the main writ petition is taken up for final disposal at the stage of admission itself.

3. The petitioner was employed as a driver in the respondent Transport Corporation. He was involved in a disciplinary action was initiated and he was removed from service. The same was questioned by the petitioner by



raising an Industrial Dispute. The Labour Court directed the reinstatement of the petitioner. The said order of Labour Court had become final. Thereafter, the petitioner was reinstated in service. He reached the age of superannuation on 21.02.2014. The petitioner's retiral benefits have not been disbursed on account of the pendency of the criminal case registered against him. The petitioner was not a Government employee. He was an employee of the Transport Corporation. Therefore, citing the pendency of the criminal case, his terminal benefits cannot be stopped. Therefore, there is merit in the request of the petitioner that his terminal and monetary benefits should be settled.

4. Considering the submissions made on either side, the order impugned in this writ petition is quashed and the respondents are directed to settle the benefits payable to the petitioner within a period of eight weeks from the date of receipt of a copy of this order. If such settlement is made within a period of eight weeks, it is made clear that the Management is not obliged to pay any interest. If there is a delay in settlement of the terminal and other benefits to the petitioner and the matter is prolonged beyond aforesaid eight weeks, the respondent would be liable to pay interest at the rate of 6% per annum.

5. With this observation, Writ petition is allowed accordingly. No costs. Consequently, W.M.P. (MD). No. 1483 of 2018 is closed.

Sd/-

Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar

+1cc to Mr.D.Sivaraman, Advocate Sr.No.49580

+1cc to Mr. K.Gokul, Advocate SR.No.49731

KMI

VB/SV/MMS/SAR2/28/03/2018/2P/3C

ORDER MADE IN
W.P. (MD) .No.1425 of 2018
19.02.2018