



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 23.10.2018

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P (MD) No.8557 of 2018

and

W.M.P (MD) No.8058 of 2018

J.Kamaraj

.. Petitioner

Vs

1. The Managing Director,
Tamil Nadu State Transport Corporation (Kum) Limited,
Railway Station New Road,
Kumbakonam.
2. The General Manager,
Tamil Nadu State Transport Corporation (Kum) Limited,
Railway Station New Road,
Kumbakonam.
3. The Administrator,
Tamil Nadu State Transport Corporation Limited,
Thiruvalluvar Illam,
Pallavan Salai,
Chennai-2

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order passed by the second respondent in க.எண்.02-08/நிர் 8/படி தஅபொக(கு) (நா)/2017, dated 30.06.2017 quash the same and consequently to direct the respondents to settle the terminal benefits with interest of 18% to the Petitioner.

For Petitioner : Mr.K.Gokul
For Respondents : Mr.D.Sivaraman
1 and 2
For Respondent-3 : Mr.A.P.Muthupandian

ORDER

The Petitioner has come forward with this Writ Petition to quash the impugned proceedings passed by the second respondent, dated 30.6.2017 and consequently to direct the respondents to settle the terminal benefits with interest of 18% to the Petitioner.



2. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3. The Division Bench of this Court in W.A(MD)No.618 of 2017, dated 16.6.2017, in similar set of facts, partly allowed the Writ Appeal and the operative portion of the said order reads as under:

''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 the Judgement. No costs. Consequently, connected Miscellaneous Petition is closed. ''

4. Following the same, this Writ Petition is allowed in same terms. No costs. Consequently, connected Miscellaneous Petition is closed.

5. It is very unfortunate that in the present case on hand, disciplinary proceedings have been commenced and before passing of final orders, the Petitioner has attained the age of superannuation. In the impugned order dated 30.6.2017, the authorities have mentioned only about the pendency of the DVAC case and not the disciplinary proceedings. The impugned proceedings gives lot of suspicion about the Officials, who seems to have colluded with the Petitioner with regard to job-racketing in question. It is very unfortunate that this Court with heavy heart had to follow the Judgement of the Division Bench of this Court and give the relief to the Petitioner. This Court expects the Department to complete the DVAC Case, so that the culprits are brought to book.

6. After going through the present case, this Court is of the view that whether CSR is applicable or not is a big question. Nothing prevent the Corporation to amend the CSR, so that those who are falling under CSR(Civil Service Rules) can be retained in service and appropriate disciplinary action can be proceeded against them. It is needless to mention that the Corporation shall take steps to amend the Standing Orders so that employees can be allowed to continue in service even after retirement and punishment can be imposed on them and hence it is appropriate to amend the CSR (Civil Service Rules)

Sd/-

Assistant Registrar (Writs)

/True Copy/



To

1. The Managing Director,
Tamil Nadu State Transport Corporation (Kum) Limited,
Railway Station New Road,
Kumbakonam.
2. The General Manager,
Tamil Nadu State Transport Corporation (Kum) Limited,
Railway Station New Road,
Kumbakonam.
3. The Administrator,
Tamil Nadu State Transport Corporation Limited,
Thiruvalluvar Illam,
Pallavan Salai,
Chennai-2.

+ 1 CC TO Mr.D.SIVARAMAN, ADVOCATE IN SR No. 91623

VSN

TE/BK/SAR-4 : 07/12/2018 : 3P/5C

W.P (MD) No.8557 of 2018 and
W.M.P (MD) No.8058 of 2018

23.10.2018