



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.03.2018

CORAM:

**THE HONOURABLE Mr. JUSTICE T.S.SIVAGNANAM
and**

THE HONOURABLE Mrs. JUSTICE R.THARANI

W.A. (MD) No.1230 of 2015

K.Kailasam

... Appellant

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 : The Appeal filed under Clause 15 of Letters Patent to set aside the order dated 04.08.2015 made in W.P.(MD) No.13807 of 2015 on the file of this Court and thereby allow this Appeal.

Prayer in WP(MD). 13807/ 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 passed by the 1st respondent in த.அ.பொ.க/கும்ப/நிர் 8/பு/02/2013-2, dated 21.2.13 and quash the same as illegal and consequently direct the respondents to settle all terminal and monetary benefits to the petitioner with interest.

For Appellant : Mr.N.Rahamadullah

For Respondents : Mr.D.Sivaraman

JUDGMENT

(Judgment of the Court was made by T.S.SIVAGNANAM, J.)

Heard the learned counsel on either side.

2.This appeal has been filed against the order made in W.P. (MD) No.13807 of 2015 dated 04.08.2015. The said writ petition filed challenging the order passed by the first respondent.



3. On 21.2.2013, the respondent / Corporation was directed to settle the monetary benefits as the appellant was permitted to retire from service, without prejudice to the pendency of the criminal proceedings.

4. Identical issue was considered in a Writ Petition in W.P. (MD) No. 10793 of 2007 dated 10.03.2015 and the Writ appeal filed by the Transport Corporation was dismissed by judgment dated 16.6.2017. The relevant portion of the judgment reads as follows:

2. This Writ Appeal directed against the order passed in W.P. (MD) No. 10793 of 2007 dated 10.03.2015. The respondent filed the said Writ Petition challenging the order dated 21.11.2007, by which the respondent was permitted to retire from service, without prejudice to the pendency of the criminal proceedings. The petitioner/Writ petitioner had retired from service on 30.06.2007.

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 this judgment. No costs. Consequently, connected Miscellaneous Petition is closed.

5. We find from the impugned order in this appeal that the benefits will be granted after closure of the criminal case against the appellant. The Writ Court, dismissed the writ petition, recording that settlement of all terminal and monetary benefits with interest is absolutely unwarranted.

6. For the above reasons, the Writ Appeal is allowed. The order passed by the writ court is set aside. The respondents are directed to disburse the benefits to the appellant within a period of eight weeks from the date of receipt of a copy of this judgment. No costs.

Sd/-
Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To

1. The General Manager,
<https://hcservices.ecourts.gov.in/hcservices/>
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.

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+1cc to Mr.N.Rahamadullah, Advocate Sr.No.56670

+1cc to Mr.D.Sivaraman, Advocate Sr.No.56741

GNS

VB/RSK/SKN/SAR2/07/06/2018/3P/5C

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21.03.2018