



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.01.2018

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P (MD) Nos.13135 & 23281 of 2017

and

W.M.P (MD) Nos.10203 & 19565 of 2017

S.Parthiban

... Petitioner in WP (MD) No.13135 of 2017

M.Sivaji

... Petitioner in WP (MD) No.23281 of 2017

Vs.

1. The General Manager,
Tamil Nadu State Transport
Corporation (KUM) Ltd,
Railway Station New Road,
Kumbakonam.

...1st respondent in
WP (MD) No.13135 of 2017
& ...2nd respondent in
WP (MD) No.23281 of 2017

2. The Managing Director,
Tamil Nadu State Transport
Corporation (KUM) Ltd,
Railway Station New Road,
Kumbakonam.

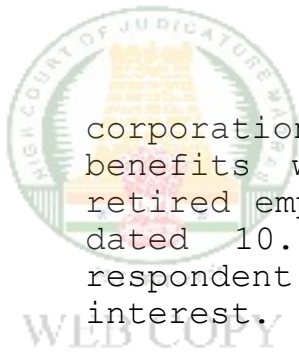
...2nd respondent in
WP (MD) No.13135 of 2017
& ...1st respondent in
WP (MD) No.23281 of 2017

Common Prayer: These Writ Petitions are filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned orders of the General Manager, TNSTC (KUM) Ltd in த.அ.போ.க/கும்ப/நிர்-8/பஓ/04/2016 dated 27.04.2016 and quash the same as illegal and consequently direct the respondents to settle all the terminal benefits to the petitioners with interest.

For Petitioner
in both writ petitions : Mr.K.Gokul

For Respondents : Mr.D.Sivaraman
in both writ petitions

COMMON ORDER



corporation. They were allowed to retire. But, their terminal benefits were not settled. Earlier, another similarly placed retired employee filed WP(MD)No.10793 of 2007. This Court by order dated 10.03.2015 allowed the writ petition and directed the respondent corporation to settle the terminal benefits with interest.

2.The same was taken on appeal in WA(MD)No.618 of 2017. The Hon'ble Division Bench of this Court partly allowed the writ appeal on 16.06.2017 and set aside the order granting interest alone. The rest of the writ order was affirmed. In the present case also, criminal case was registered against the writ petitioners way back in the year 2003. The said criminal case is still pending. But, the respondent corporation has not chosen to initiate any departmental action against the writ petitioners in the meanwhile.

3.The case on hand is squarely covered by the earlier order of the Hon'ble Division Bench of this Court dated 16.06.2017 in WA(MD) No.618 of 2017. Therefore, both writ petitions are allowed by quashing the impugned orders dated 27.04.2016. The respondents are directed to settle all the terminal and monetary benefits payable to the writ petitioners within a period of eight weeks from the date of receipt of a copy of this order. However, it is made clear the respondents will not be liable to pay any interest on the terminal and monetary benefits payable to the writ petitioners. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

+ 2 CC TO Mr.K.GOKUL, ADVOCATE IN SR Nos. 40408 & 40409
+ 2 CC TO Mr.D.SIVARAMAN, ADVOCATE IN SR Nos. 40585 & 40586

SKM

TE/SV-MMS/SAR-4 : 18/01/2018 : 2P/5C

W.P(MD)Nos.13135 & 23281 of 2017 and
W.M.P (MD)Nos.10203 & 19565 of 2017
04.01.2018