



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.11.2018

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

and

THE HONOURABLE MR.JUSTICE P.D.AUDIKESSAVALU

W.A. [MD]No.1577 of 2018

against

W.P. (MD) .No.12504 of 2016

and

C.M.P. [MD]No.11325 of 2018

1. The Management,
Tamil Nadu State Transport Corporation
(Madurai) Limited,
Rep. by its General Manager,
Madurai Region,
Bye-Pass Road,
Madurai.

2. The Administrator,
Tamil Nadu State Transport Corporation
Pension Fund Trust,
Thiruvalluvar Illam,
Pallavan Salai,
Chennai-600 002.

: Appellants/Respondents 1&2

Vs.

M.Chithirampillai

: Respondent/Petitioner

PRAYER: Writ Appeal is filed under Clause 15 of Letters Patent against the order of Writ Court dated 23.01.2018, made in W.P.(MD) No.12504 of 2016.

Prayer in WP(MD) . 12504/ 2016 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus directing the respondents to sanction and pay the petitioners terminal benefits including monthly pension, gratuity, commuted value of pension, leave salary, refund of Contribution towards Institute of Road Transport and Social Security Scheme Amount and all other attendant benefits by counting his entire service from 01.05.1981 to 31.05.2001 as pensionable service and to pay interest for the above terminal benefits at the rate of 18% per annum from 31.05.2001 to till the date on which the above benefits are settled to him.

For Appellants : Mr.A.P.Muthupandian

<https://hcservices.ecourts.gov.in/hcservices/>

For Respondent : Mr.A.Rahul

**J U D G M E N T**

[Judgment of the Court was delivered by **K.K.SASIDHARAN, J.**]

This intra-Court appeal is directed against the order dated 23 January, 2018 in W.P.(MD)No.12504 of 2016, whereby and whereunder, the learned Single Judge issued a Mandamus to the appellants to pay the benefits to the respondent consequent to his retirement on 01 June, 2001.

2. The appellants initiated proceedings against the respondent alleging certain acts of misconduct. He was ultimately dismissed from service during the year 1992. The order dismissing him from service was set aside by the Labour Court and a direction was issued to pay him 50% of backwages. The award passed by the Labour Court was confirmed by this Court in a Writ Petition filed by the appellants. The respondent was, thereafter, reinstated into service. The respondent, on attaining the age of superannuation, retired on 01 June, 2001. Since the benefits were not paid, the respondent filed a Writ Petition before the learned Single Judge.

3. The learned Single Judge, having found that the order directing reinstatement of the respondent has become final and that he retired from service on 01 June, 2001, issued a Mandamus, directing the appellants to send the pension proposals, within a period of three weeks and to pay the amount due to the respondent with interest.

4. It is the admitted case of the parties that the Labour Court interfered with the punishment awarded by the appellants. The order was upheld by this Court. Such being the facts of the case, the appellants cannot be heard to say that they would not pay the retirement benefits to the respondent, in spite of the fact that he retired from service on 01 June, 2001. We are, therefore, of the view that the learned Single Judge was justified in issuing a Mandamus to the appellants. We direct the appellants to calculate the amount payable to the respondent and pay it in four equal monthly installments commencing from December, 2018.

5. The intra-Court appeal is dismissed with the above direction for disbursement of the retirement benefits. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar(CS-III)



To

1. The General Manager,
Tamil Nadu State Transport Corporation,
(Madurai)Ltd, Madurai Region,
Bye Pass Road, Madurai.

2. The Administrator,
Tamil Nadu State Transport Corporation,
Pension Fund Trust, Thiruvalluvar Illam,
Pallavan Salai, Chennai 600 002.

+1cc to Mr.A.P.Muthupandian,Advocate Sr.No.96451

+1cc to Mr.A.Raghul,Advocate Sr.No.96006

SML

KM/BK/SAR3/10.12.2018/3P/5C

Judgment made in
W.A. [MD]No.1577 of 2018
Dated: 20.11.2018