

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :19.02.2019

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.13938 of 2018

and

W.M.P.No.16464 of 2018

A.Selvaraj

.. Petitioner

..vs..

1.The Managing Director,
Tamil Nadu State Transport Corporation,
Head Office, Mettupalayam Road,
Coimbatore District.

2.The General Manager,
Tamil Nadu State Transport Corporation,
Tirupur Division,
Kangeyam Road,
Tirupur.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records in 3117E/,03/Pathupi-2/TNSTC/KO/18 dated 29.03.2018 by the 2nd respondent and quash the same as illegal and direct respondents to pay the terminal benefits including pension, gratuity and other attaining benefits to secure ends of justice.

For Petitioner : Mr.R.Sankara Subbu
For Respondents : Mr.P.Kannan Kumar

O R D E R

The order dated 29.03.2018 passed by the second respondent allowing the writ petitioner to retire from service without any prejudice to the departmental disciplinary proceedings initiated against the writ petitioner is under challenge in the present writ petition.

2. The learned counsel for the writ petitioner states that the terminal and pensionary benefits due to the writ petitioner has not been paid and therefore, the petitioner is constrained to move the present writ petition.

3. The learned counsel appearing on behalf of the respondents states that a criminal case was registered against the writ petitioner in Crime No.145 f 2014 under Section 13 (2), 18-b, 39 of unlawful Activities (Prevention) Act 1967, and a departmental disciplinary proceedings are also initiated against the writ petitioner. When the Criminal Case as well as the Departmental Disciplinary Proceedings are pending against the writ petitioner, the department would not be in a position to settle all the retirement and terminal benefits. However, the admissible monetary benefits as well as the pensionary benefits are settled in favour of the writ petitioner during the pendency of the disciplinary proceedings itself.

4. This being the submission made, the writ petitioner is not entitled to be paid pensionary and terminal benefits, on account of the pendency of the criminal case as well as departmental disciplinary proceedings. Only after the disposal of all these proceedings, the case of the writ petitioner is to be considered for settlement of terminal and retirement benefits.

5. With these observations, the present writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS)

//True Copy//

Sub Assistant Registrar

Pns

To

1.The Managing Director,
Tamil Nadu State Transport Corporation,
Head Office, Mettupalayam Road,
Coimbatore District.

2.The General Manager,
Tamil Nadu State Transport Corporation,
Tirupur Division,
Kangeyam Road, Tirupur.

+1cc to Mr.P.Kannan Kumar , Advocate SR.No. 16175

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A.SK(19/03/2019)