

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11-04-2019

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.18581 of 2018

D.Murugesan

... Petitioner

Vs.

1.The Additional Chief Secretary to Government,
Transport Department,
Secretariat,
Chennai-600 009.

2.M/s.Tamil Nadu State Transport Corporation
(Kum) Ltd.,
Represented by its Managing Director,
Railway Station New Road,
Kumbakonam.

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to complete the departmental disciplinary proceedings by conducting enquiry in proceedings No.த.அ.பொ.க/டி6/எடிபி/254/04 dated 7.10.2004 issued by the second respondent and consequently direct the respondents to settle the terminal benefits after fixation of annual increments, review weightage and settlement benefits with 6% interest and further promotion by taking into consideration of the petitioner's representation dated 22.3.2018 to the first respondent.

For Petitioner : Mr.D.Soundar Raj

For Respondent-1 : Mr.D.Suriya Narayanan,
Additional Government Pleader.

For Respondent-2 : Mr.P.Kannankumar

O R D E R

The relief sought for in the present writ petition is for a direction to complete the departmental disciplinary proceedings issued by the second respondent dated 7.10.2014 and consequently direct the respondents to settle the terminal benefits after fixation of annual increments, review weightage

and settlement benefits with 6% interest and further promotion by taking into consideration of the representation submitted by the writ petitioner on 22.3.2018 to the first respondent.

2. In respect of the similarly placed writ petitioner one Mr.R.Tamilarasan, the Madurai Bench of Madras High Court passed an order in WP (MD) No.3491 of 2018 dated 21.3.2018, which reads as under:-

"Heard the learned counsel on either side.

2. By consent of both parties, the main Writ petition is taken up for final disposal.

3. The petitioner was employed as a Conductor in the respondent/Corporation. He reached the age of superannuation on 31.05.2016. However, the terminal benefits payable to him were not disbursed on account of pendency of criminal proceedings. He was however relieved from service. In the case of co-delinquents, the Hon'ble Division Bench by order dated 16.06.2017 made in W.A.(MD).No.618 of 2017-(The General Manager, Tamil Nadu State Transport Corporation Limited, Kumbakonam Vs. R.Krishnamoorthy), directed disbursement of the terminal benefits. However payment of interest was denied.

4. Following the said order of Hon'ble Division Bench, the respondents herein are directed to settle the terminal benefits payable to the petitioner within a period of eight weeks from the date of receipt of a copy of this order. It is made clear that the interest will not be paid to the petitioner for such belated settlement.

5. The Writ Petition is allowed accordingly. No costs."

3. The learned Additional Government Pleader appearing on behalf of the first respondent and the learned counsel appearing on behalf of the second respondent states that the case of the writ petitioner also squarely falls within the ambit of the case decided by the Madurai Bench of Madras High Court in WP (MD) No.3491 of 2018 dated 21.3.2018 and accordingly, the same order may be passed and the benefit extended to Mr.R.Tamilarasan can be extended to the present writ petitioner also.

4. Thus, the impugned order passed by the second respondent in proceedings No. த.அ.பொ.க/டி6/எடிபி/254/04 dated 7.10.2004 in the present writ petition stands quashed and the respondents are directed to settle the terminal benefits payable to the petitioner within a period of twelve weeks from the date of receipt of a copy of this order. It is made clear that the interest will not be paid to the petitioner for such belated settlement.

5. Accordingly, the writ petition stands allowed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.The Additional Chief Secretary to Government,
Transport Department,
Secretariat,
Chennai-600 009.

2.The Managing Director,
M/s.Tamil Nadu State Transport Corporation
(Kum) Ltd.,
Railway Station New Road,
Kumbakonam.

+1cc to Mr.D.Soundarraaj, Advocate Sr.36084
+1cc to the Government Pleader Sr.36343

WP 18581 of 2018

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srg 10/5/2019