IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :26.11.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.21556 of 2019
and
WMP.No.20750 of 2019

M.Selvam

...Petitioner

vs

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

2.M/s. Tamil Nadu State Transport
Corporation Employees Pension Fund Trust,
Rep. by its Administrator,
No.2, Pallavan Salai,
Chennai-600 002

3.M/s.Tamil Nadu State Transport,
Coporation (kum) Ltd.,
Rep. by its General Manager,
Railway Station New road,
Kumbakonam. ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue an appropriate order or direction or Writ of Certiorarified Mandamus to call for the records of the 3rd respondent proceedings in Memo No.த.அ.போ.க/டி6/ஏடிபி/27/2000 dated 29.02.2000, த.அ.போ.க/டி6/ஏடிபி/218/2000 dated 17.11.2000, த.அ.போ.க/டி6/ஏடிபி/328/2001 dated 12.11.2003 and quash the same and consequently direct the respondents to settle the terminal benefits by fixing annual increments, review, weightage and settlement benefits with 6% interest.

For Petitioner : Mr. D.Soundar raj
For R1 : Mr.R.S.Selvam
Government Advocate
For R2 and R3 : Mr.D.Venkatachalam,
Special Government Pleader

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O R D E R

Writ Petition is filed for issuance of a Writ of Certiorarified to call for the records of the 3rd respondent proceedings in Memo No.த.அ.போ.க/டி6/ஏடிபி/27/2000 dated 29.02.2000, த.அ.போ.க/டி6/ஏடிபி/218/2000 dated 17.11.2000, த.அ.போ.க/டி6/ஏடிபி/328/2001 dated 12.11.2003 and quash the same and consequently direct the respondents to settle the terminal benefits by fixing annual increments, review, weightage and settlement benefits with 6% interest.

2.The case of the petitioner is that the petitioner was appointed as Assistant in the year 1983 and retired from service on 30.04.2012 without prejudice to the pendency of the Criminal proceedings. He stated that FIR in crime No.25 of 2003 dated 17.10.2003 was filed against me under Section 154 Cr.P.C by Tanjore District, Vigilance and Anticorruption Department based on the outsiders complaint and it is pending before the Court of Chief Judicial Magistrate, Tanjore at Kumbakonam in C.C(Spl) No.1/2009. Based on the orders of 1st Respondent in his letter No.17585/C1/2003-2, Transport (C1) Department dated 03.09.2004, he was placed under suspension along with 5 others from 01.10.2004. Even though, FIR was registered in the year 2003 in Crime No.25 of 2013 against 41 persons, disciplinary proceedings were initiated only against 15 persons including the petitioner. The petitioner has not been paid terminal benefits for the last 19 years. The petitioner made representation dated 10.07.2019 to the 3rd respondent seeking to settle his terminal benefits. However, till date the representation was not considered. Hence the Writ Petition filed.

3. Learned counsel for the petitioner submitted that though the petitioner has given a representation on 10.07.2019 the same has not been considered.

4.Learned Special Government Pleader submitted that if the 3rd respondent may recommend for paid terminal benefits, an appropriate order will be passed, after considering the petitioner's representation.

5. Considering the above facts and circumstances and the limited request made by the petitioner, I am inclined to issue direction to the 3rd respondent to consider the petitioner's

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representation dated 10.07.2019 and pass appropriate orders in accordance with law within a period of twelve (12) weeks from the date of receipt of a copy of this order. With the above direction, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous petition is also closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

vsn

To

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

2.M/s. Tamil Nadu State Transport
Corporation Employees Pension Fund Trust,
Rep. by its Administrator,
No.2, Pallavan Salai,
Chennai-600 002.

3.M/s.Tamil Nadu State Transport,
Coporation (kum) Ltd.,
Rep. by its General Manager,
Railway Station New road,
Kumbakonam.

+1cc to Mr.D.Soundar raj, Advocate Sr.98662
+1cc to Mr.D.Venkatachalam, Advocate Sr.99003
+1cc to the Government pleader Sr.98962

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