



WEB COPY

W.A.(MD)No.1019 / 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.10.2019

CORAM:

**THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM**

**and**

**THE HONOURABLE MRS.JUSTICE R.THARANI**

**W.A. (MD)No.1019 of 2019**

M.Subramanian

... Appellant/Petitioner

Vs.

1.The Management of Tamil Nadu State  
Transport Corporation (Kumbakonam) Ltd.,  
Rep. by its Managing Director, Kumbakonam.

2. The General Manager,  
Tamil Nadu State Transport Corporation  
(Kumbakonam) Ltd.,  
Karur Region, Karur.

3. The Administrator,  
Tamil Nadu State Transport Employees Pension  
Fund Trust, Thiruvalluvar Illam,  
Anna Salai, Chennai-2.

..Respondents/Respondents

**PRAYER:** Writ Appeal is filed under Clause 15 of the Letter Patent Act, to set aside the order of the learned Judge dated 26.02.2019 in W.P.(MD)No.18994 of 2018 and consequently to allow the writ petition as prayed for.

Prayer in WP(MD). 18994/ 2018 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus after calling for the records relating to the impugned order of the 2nd respondent passed in Ref.TNSTC/Trichy/PaPi-Pi1/2451/2018 dated 31/7/2018, quash the same and consequently to direct the respondents to settle and pay all the terminal and pension benefits of the petitioner with 18%interest p.a. and within a time.

For Appellant : Mr.S.Arunachalam

For R1 and R2 : Mr.D.Sivaraman

For R3 : Mr.A.S.Swaminathan



**JUDGMENT**

[Judgment of this Court was made by **T.S.SIVAGNANAM, J.**]

Heard Mr.S.Arunachalam, learned counsel appearing for the appellant, Mr.D.Sivaraman, learned counsel for the first and second respondents and Mr.A.Swaminathan, learned counsel for the third respondent. By consent on either side, this writ appeal is taken up for final disposal.

2.This writ appeal is directed against the order, dated 26.02.2019 made in W.P.(MD)No.18994 of 2018. The said writ petition was filed challenging the order passed by the second respondent, dated 31.07.2018 and for a consequential direction to direct the respondents to settle and pay all the terminal and pension benefits of the appellant with 18% interest per annum

3.When the writ petitioner was heard, it was represented by the learned counsel for the petitioner / appellant that in the disciplinary proceedings initiated against the appellant, final orders have been passed by the second respondent on 18.01.2019 by imposing punishment of redemption by one stage and the appellant did not challenge the said order and requests for passing appropriate consequential directions to settle the terminal and pensionary benefits. The writ petition was disposed of by directing the first and second respondents to consider the appellant's representation on merits and in accordance with law.

4. The fact remains that the order of redemption by one stage passed by the second respondent, dated 18.01.2019 has attained finality and the appellant has given confirmation before the writ Court that he will not challenge the said order. During the pendency of the proceedings, the appellant retired from service on attaining the age of superannuation and was permitted to retire without prejudice to this appeal. The appellant having retired from service and having accepted the punishment imposed vide order dated 08.01.2019, there should be no impediment for the respondents, particularly the third respondent to compute the pay and retirement and pensionary benefits.

5. The learned counsel for the respondent Corporation submitted that in other similar cases, the Court has granted time to settle the retiral benefits by granting minimum 12 instalments subject to the condition that the concerned workman may get interest at the rate of 6%.

6. Thus, considering these facts, we are of the view that the order passed in the writ petition, more particularly the direction issued in paragraph 4 of the impugned order, requires to be modified. Accordingly, this writ appeal is partly allowed and the



respondents are directed to compute and settle all the terminal and pensionary benefits due and payable to the appellant in 12 equal instalments together with the interest at the rate of 6%. The first instalment shall be paid to the appellant by November, 2019.

7. With the above direction, this writ appeal is disposed of.  
No costs.

Sd/-

Assistant Registrar (co)

// True Copy //

Sub Assistant Registrar(CS )

To

1.The Management of Tamil Nadu State  
Transport Corporation (Kumbakonam) Ltd.,  
Rep. by its Managing Director, Kumbakonam.

2. The General Manager,  
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Tamil Nadu State Transport Employees Pension  
Fund Trust, Thiruvalluvar Illam,  
Anna Salai, Chennai-2.

+1 CC to Mr.D. SIVARAMAN, Advocate ( SR-92003[F] dated 15/10/2019 )

+1 CC to Mr.S.ARUNACHALAM, Advocate ( SR-91493[F] dated 04/10/2019 )

**ORDER MADE IN**  
**W.A. (MD)No.1019 of 2019**  
**01.10.2019**

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VB(23.10.2019) 3P 6C