



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **12.02.2020**

CORAM:

THE HONOURABLE **MR.JUSTICE M.S.RAMESH**

WEB COPY

W.P. (MD)No.17216 of 2019

and

W.M.P. (MD)No.13716 of 2019

Selvaraj

... Petitioner

/vs./

1.The Managing Director,
Tamil Nadu State Transport Corporation (KUM) Ltd.,
Railway Station New Road, Kumbakonam.

2.The General Manager,
Tamil Nadu State Transport Corporation (KUM) Ltd.,
Trichy Region, Trichy.

3.The Administrator,
Tamil Nadu State Transport Corporation,
Employees Pensions Fund Trust,
Thiruvalluvar Illam, Pallavan Salai,
Chennai - 2.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the 2nd respondent in Tha.A.Po.Ka/Trichy/PaPi-Pil/2209/2017, dated 28.02.2017 quash the same as illegal and consequently direct the respondents to settle terminal benefits with interest at 18% to the petitioner.

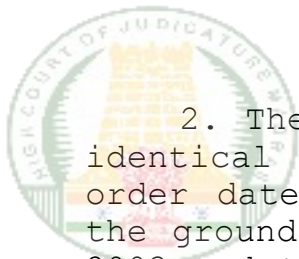
For Petitioner: Mr.K.Gokul

For R-1 & R-2 : Mr.P.Balasubramanian

For R-3 : A.Swaminathan

ORDER

The case of the petitioner is that on 28.02.2017, the petitioner was permitted to retire from his services and on that date, there was no final orders in any disciplinary action against the petitioner. However, it was stated that a criminal complaint in Crime No.25 of 2003 was pending against him and pensionary benefits have not been disbursed to the petitioner on the ground that the criminal case is still pending.



2. The learned counsel for the petitioner would submit that in identical circumstances, this Court in W.P.(MD)No.10793 of 2008 by order dated 10.03.2015, had quashed the impugned order therein on the ground that the criminal proceedings are pending from the year 2003 and the same has not been concluded and thereby, directed the respondents to settle the terminal benefits. That order came to be confirmed in W.A.(MD)No.618 of 2017 by order dated 16.06.2017.

3. In the instant case also, the FIR came to be registered in the year 2003 and the criminal case is said to be still pending. Departmental action has also not been concluded in the case of the petitioner, when the criminal case itself relates to the year 2003.

4. The facts involved in the aforesaid case referred by the petitioner in W.P.(MD)No.10793 of 2008 as well as W.A.(MD)No.618 of 2017 would be squarely applicable to the facts of the present case and as such, the petitioner would be entitled to succeed. While the petitioner would be entitled to receive the terminal benefits, he may not be entitled to interest on the belated payment of terminal benefits, in view of the observations made in the aforesaid writ appeal.

5. In the light of the above observations, the impugned order passed by the 2nd respondent in Tha.A.Po.Ka/Trichy/PaPi-Pil/2209/2017, dated 28.02.2017 is set aside. Consequently, there shall be a direction to the second respondent herein to forthwith settle the entire terminal benefits to the petitioner, atleast within a period of eight (8) weeks from the date of receipt of a copy of this order. This Writ Petition is allowed accordingly. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

To

The General Manager,
Tamil Nadu State Transport Corporation (KUM) Ltd.,
Trichy Region, Trichy.

+1 CC to M/s.K.GOKUL, Advocate (SR-6395[F]

+1 CC to M/s.P.BALASUBRAMANIAN, Advocate (SR-6435[F]

Order made in
W.P.(MD)No.17216 of 2019
12.02.2020

Sm

<https://hccs.courts.gov.in/CaseDetails/2P-4C>