



W.P(MD)No.23615 of 2022

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.11.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.23615 of 2022

and

W.M.P(MD)No.17689 of 2022

V.Sugumaran

... Petitioner

Vs

1.The Management of
Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
Represented by
The Managing Director,
Kumbakonam.

2.The General Manager,
Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
Pudukkottai Region,
Pudukkottai.

3.The Administrator,
Tamil Nadu State Transport Corporation,
Employees Pension Trust,
Thiruvalluvar Illam,
Pallavan Salai,
Chennai – 02.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India
praying to issue a Writ of Certiorarified Mandamus, to call for the records



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pertaining to the impugned order passed by the second respondent in reference No.TNSTC / Kumba / Pudu / E1/171/2022 dated 27.06.2022, quash the same insofar as allowing the petitioner to retire from service without prejudice to pending W.P(MD)No.548/2020 and insofar as withholding 25 percent of his monthly pension and other terminal benefits as illegal, non-est in law and consequently, direct the respondents to settle all the terminal benefits payable to the petitioner including full monthly pension, provident fund, Gratuity, Leave Salary, Social Security Scheme amount, refund of the petitioner contribution made towards medical, engineering, polytechnic and Institute of Road Transport together with interest at the rate of 6% per annum payable from 30.06.2022 to till the date on which the aforesaid terminal amounts are disbursed to the petitioner.

For Petitioner : Mr.A.Rahul

For Respondents : Mr.K.Jagadees Balan
Standing Counsel for R.1 & R.2

Mr.S.C.Herold Singh
Standing Counsel for R.3

ORDER

Heard the learned counsel on either side.

2. The writ petitioner joined the service in the respondent Corporation as Driver in 1988. He reached the age of superannuation on 30.06.2022. He was allowed to retire without prejudice on account of the pendency of W.P(MD)No. 548 of 2020. The learned counsel for the petitioner states that he is getting only provisional pension and his other benefits have not been settled. This writ



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petition was taken up along with W.P(MD)No.548 of 2020 that has been referred to in the impugned order. I had set aside the order impugned in the other writ petition and allowed the writ petition today (22.11.2022). Therefore, the basic reason that led to the issuance of impugned order no longer survives. The respondents are directed to settle the petitioner's terminal benefits.

3. The learned counsel for the petitioner seeks direction that he should be paid the interest for the belated payment. The petitioner admittedly suffered a number of punishments. Only by virtue of Hon'ble Division Bench order, I have restrained the respondents from recovering monetary equivalent. In these circumstances, the question of directing the Management to pay interest on the belated settlement does not arise at all. The petitioner's retirement benefits shall be settled within a period of twelve weeks from the date of receipt of a copy of this order. This writ petition is allowed with the aforesaid direction. No costs. Consequently, connected miscellaneous petition is closed.

22.11.2022

Index : Yes / No
Internet : Yes/ No
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To

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(Kumbakonam) Limited,
Kumbakonam.
2. The General Manager,
Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
Pudukkottai Region,
Pudukkottai.
3. The Administrator,
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G.R.SWAMINATHAN, J.

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