IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.01.2023

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THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P.No.29573 of 2015
And
M.P.No.1 of 2015

A.K.Balaiah ... Petitioner

Vs.

The General Manager,
Tamil Nadu State Transport Corporation [Kumbakonam] Limited,
Kumbakonam Division/Zone,
New Railway Station Road,
Kumbakonam. ... Respondent

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records of the respondent's information letter No – TNSTC/Kumba/No3/Special/13, dated 11.03.2013, and quash the same as illegal and consequently direct the respondent to disburse/settle pension and all other service benefits to the petitioner within the time limit to be stipulated by this Hon'ble Court.

For Petitioner : Mr.K.Senthil Kumar
For Respondent : Mrs.S.Sathya Gandhi

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Certiorarified Mandamus to call for the records of the respondent's information letter No – TNSTC/Kumba/No3/Special/13, dated 11.03.2013 and to quash the same as illegal and consequently to direct the respondent to disburse/ settle pension and all other service benefits to the petitioner within the time limit to be stipulated by this Court.

2.The petitioner joined the services of the respondent Corporation as Driver on 05.01.1989 and as per the report of the Medical Board dated 11.12.2007, he was terminated from service vide order of the respondent dated 28.02.2008. Thereafter, the petitioner made application claiming the benefits due to him, however, the impugned letter came to be issued. Hence, this writ petition.

3.The learned counsel appearing for the petitioner submitted that without issuing any notice and without conducting any enquiry, the respondent has issued the impugned letter stating that the petitioner has to pay a sum of Rs.1,10,954/- to the respondent, which is un-sustainable one.

4.The respondent has filed a counter affidavit, wherein paragraph no.5 reads as follows:

'5.The Respondent submits that in continuation of the discharge, when the Respondent took steps for the settlement of the terminal benefits, it was found that the Petitioner suffered various punishments and many of the punishments were unimplemented. A sum of Rs.1,10,954/- was found to be consequential in implementation of his punishment. As per the practice in vogue, a sum of Rs.1,10,954/- was found to be adjusted. The details of the punishments which is not implemented are set out below:-

Date of order	***Nature of charges***	***Punishment***
31.01.2001	Absent for duty	Increment cut for 18 months with cumulative effect
28.01.2002	Absent for duty	Increment cut for 6 months with cumulative effect
22.04.2002	Absent for duty for 24 months	Increment cut for 24 months with cumulative effect
31.05.2002	Absent	Increment cut for 24 months with cumulative effect
29.06.2002	Absent	Increment cut for 36 months with cumulative effect

Date of order	*Nature of charges*	*Punishment*
30.09.2002	Absent	Increment cut for 6 months with cumulative effect
30.11.2002	Absent	Increment cut for 6 months with cumulative effect
25.01.2003	Absent	Increment cut for 12 months with cumulative effect
28.02.2003	Absent	Increment cut for 36 months with cumulative effect
08.09.2003	Absent	Increment cut for 3 months with cumulative effect
06.11.2003	Absent	Increment cut for 3 months with cumulative effect
27.03.2004	Absent	Increment cut for 3 months with cumulative effect
26.05.2004	Absent	Increment cut for 6 months with cumulative effect
07.05.2004	Absent	Increment cut for 6 months with cumulative effect
19.08.2004	Absent	Increment cut for 3 months with cumulative effect
28.10.2004	Absent	Increment cut for 3 months with cumulative effect
31.01.2005	Absent	Increment cut for 3 months with cumulative effect
11.04.2005	Absent	Increment cut for 12 months with cumulative effect
27.06.2005	Absent	Increment cut for 12 months with cumulative effect
15.06.2005	Absent	Increment cut for 3 months with cumulative effect

Date of order	*Nature of charges*	*Punishment*
30.06.2005	Absent	Increment cut for 3 months with cumulative effect
31.10.2005	Absent	Increment cut for 6 months with cumulative effect
31.10.2005	Absent	Increment cut for 3 months with cumulative effect
31.05.2006	Absent	Increment cut for 12 months with cumulative effect
25.02.2008	Absent	Increment cut for 6 months with cumulative effect
25.02.2008	Absent	Increment cut for 46 months without cumulative effect

Further the petitioner has also faced the basic reduction also. Since this punishments were to be implemented, the petitioner did not pay the amount above mentioned, the Respondent is unable to disburse the terminal benefits.'

5.Though the respondent has stated that a sum of Rs.1,10,954/- was found to be consequential in implementation of the petitioner's punishment, there is nothing on record to show that notice or opportunity has been given to the petitioner for making his reply. Hence, this Court is inclined to grant the relief sought for in this writ petition.

J.NISHA BANU,J.
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6.The writ petition is allowed. The impugned letter of the respondent dated 11.03.2013 is quashed. The respondent is directed to disburse/ settle pension and all other service benefits to the petitioner, within a period of three months from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

06.01.2023

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Speaking Order/ Non Speaking Order
Index: Yes/ No
Internet: Yes/ No

To

The General Manager,
Tamil Nadu State Transport Corporation
[Kumbakonam] Limited,
Kumbakonam Division/Zone,
New Railway Station Road,
Kumbakonam.

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