



W.P(MD)No.190 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 27.06.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.190 of 2021
and
W.M.P.(MD)No.155 of 2021

M.S.Rajendran

... Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Transport Corporation (KUM) Limited,
No.27, Railway Station New Road,
Kumbakonam,
Thanjavur District.

2.The General Manager,
Tamil Nadu State Transport Corporation (KUM) Limited,
Railway Station New Road,
Kumbakonam,
Thanjavur District.

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

... Respondents



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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 pertaining to the impugned order passed by the second respondent in Letter.No.01-04/Ner8/Po/Tha.A.Pok(Ku)/2020, dated 30.04.2020, 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 Respondents : Mr.D.Sivaraman for R1 & R2

Mr.S.C.Herold Singh
Standing Counsel for R3

ORDER

Heard the learned counsel on either side.

2.The writ petitioner joined the respondent Corporation in the year 1989. An allegation was made that a number of Corporation employees received illegal gratification with the promise of securing employment for outsiders. The petitioner was one of the accused in Crime No.25 of



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2003 registered on the file of the D.S.P, Vigilance and Anti Corruption, Thanjavur Detachment. Even though several years passed by, there was no progress in the investigation. Some of the accused reached the age of superannuation. They filed writ petitions and the same were allowed and the accused employees were allowed to retire. The terminal benefits were ordered to be settled with interest. The Management filed writ appeals. One such order passed by the Hon'ble Division Bench in W.A. (MD)No.618 of 2017 dated 16.06.2017 is enclosed in the typed set of papers. The Hon'ble Division Bench while sustaining the order passed by a learned Single Judge set aside the direction for payment of interest. The case on hand is similar. Adopting the very same approach, the order impugned in the writ petition is quashed.

3.The respondents are directed to permit the petitioner to retire from service. The terminal benefits due and payable to the petitioner shall be settled within a period of twelve weeks from the date of receipt of a copy of this order. In view of the order passed by the Hon'ble Division Bench, such settlement and disbursement will not carry any interest. If there is delay beyond the period of twelve weeks, it would



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carry 6% interest from the date of default. This writ petition is allowed on these terms. No costs. Consequently, connected miscellaneous petition is closed.

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NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

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