



W.P.(MD)No.7669 of 2018

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:16.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.7669 of 2018

and

W.M.P(MD)Nos.7284 and 7285 of 2018

S.Elangovan

... Petitioner

Vs.

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

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

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

... Respondents

Prayer:Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the first respondent in



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Ref.No.TNSTC/Ni.Pi/Aa3/1183 dated 29.11.2017, quash the same insofar as allowing the petitioner to retire from service without prejudice to the pending disciplinary action and consequently direct the respondents to settle all terminal benefits including Gratuity, Commuted value of Pension, Earned Leave Salary, Social Security Scheme amount, refund of the petitioner's contribution made to Engineering, Medical and Polytechnic Colleges and Institute of Road Transport and other attendant benefits together with interest at the rate of 18% per annum payable from 30.11.2017 to till the date on which the above terminal benefits are settled to the petitioner.

For Petitioner : Mr.Y.Arulanandasamy

For Respondents : Mr.D.Sivaraman

ORDER

This Writ Petition has been filed to quash the impugned order passed by the first respondent in Ref.No.TNSTC/Ni.Pi/Aa3/1183, dated 29.11.2017 insofar as allowing the petitioner to retire from service without prejudice to the pending disciplinary action and consequently, direct the respondents to settle all the terminal benefits including Gratuity, Commuted value of Pension, Earned Leave Salary, Social Security Scheme amount, refund of the petitioner's contribution made to Engineering, Medical and Polytechnic Colleges and Institute of Road



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Transport and other attendant benefits together with interest at the rate of 18% per annum payable from 30.11.2017 to till the date on which the above terminal benefits are settled to the petitioner.

2. The case of the petitioner is that the petitioner joined the service in the respondent Corporation as Junior Assistant with effect from 04.04.1984 and thereafter, he was promoted to the level of Senior Superintendent and attained the age of superannuation on 30.11.2007. Further, vide the impugned order, dated 29.11.2017, the petitioner was allowed to retire from service without prejudice to the disciplinary proceedings pending against him. Challenging the same, the petitioner has filed this writ petitioner.

3. When the writ petition was taken up for hearing today, the learned counsel appearing for the petitioner, on instructions, would submit that during the pendency of the writ petition, the disciplinary proceedings initiated against the petitioner was concluded and the entire terminal benefits were settled in favour of the petitioner on various dates ie., P.F., on 20.01.2018, Gratuity on 31.08.2019, commutation on



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25.01.2019 and difference of commutation on 30.01.2021 etc., and totally, a sum of Rs.30,66,490/- was paid to the petitioner and hence, nothing survives in this writ petition.

4. In view of the same, nothing survives for further adjudication in this writ petition. Accordingly, this writ petition is closed. No Costs. Consequently, connected Miscellaneous Petitions are closed.

16.02.2023

PM

NCC:Yes/No

Index:Yes/No



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M.DHANDAPANI, J.

pm

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