



W.P(MD)No.24436 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 16.06.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.24436 of 2022

and

W.M.P.(MD)Nos.18529 & 18528 of 2022

Padmanabhan

... Petitioner

Vs.

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

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

**3.The Administrator,
Tamil Nadu State Transport Corporation
Employees Pension Fund Trust,
Thiruvalluvar House, Pallavan Salai,
Chennai-600 0002.**

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the order dated 30.09.2022 made in Ku.Aa. No. 09-02/Nir8/Pa.O./Tha.Na.A.Po.Ka.(Ku) Kumba/2022 passed by the second



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respondent and quash the same in so far as the denial of monetary benefits to the petitioner, consequently direct the respondents to pay retirement benefits to the petitioner with interest @ 12 p.a.

For Petitioner : Mr.D.Venkatachalam

For Respondents : Mr.K.Jagadeesbalan
Standing Counsel for R1 & R2

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

ORDER

Heard the learned counsel on either side.

2. The petitioner was working as driver in the respondent corporation. He reached the age of superannuation on 30.09.2022. He had put in 32 years of service. The respondents have however not allowed the petitioner to retire from service on account of the pendency of the criminal case. When the petitioner was in service, disciplinary proceedings was initiated. The management even went to the extent of issuing second show cause notice dated 23.08.2022 proposing dismissal from service. The writ petitioner herein filed W.P.(MD)No.21519 of 2022. This Court vide order dated 09.09.2022 disposed of the writ petition by granting time to the petitioner to offer his explanation.



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3. The learned counsel appearing for the petitioner states that the management did not pass any final order thereafter. In view of the settled position, the management cannot continue the departmental action since the petitioner had already superannuated (vide order dated 03.09.2014 in W.P.(MD)Nos.6228 of 2014 etc). Admittedly, the criminal case has nothing to do with the discharge of the official duties of the petitioner. They pertain to some other transaction.

4. I am therefore of the view that withholding the retirement benefits to the petitioner by citing the pendency of the criminal case is patently illegal. The petitioner has served the corporation for 32 years. He has not come under the adverse notice in respect of the official duties. The impugned communication is interfered with to the above extent. The respondents are directed to settle the retirement benefits and pension to the petitioner forthwith and without any delay.

5. The Writ Petition is allowed. No costs. Consequently, connected miscellaneous petitions are closed.

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

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