



W.A(MD)No.417 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.A(MD)No.417 of 2024

and

C.M.P(MD)No.3569 of 2024

1.The Managing Director,
The Tamilnadu State Transport Corporation(Kumbakonam) Ltd.,
Kumbakonam, Tanjore District.

2.The General Manager,
The Tamilnadu State Transport Corporation(Kumbakonam) Ltd.,
Trichy Region, Periyamilaguparai,
Trichirapalli. ... Appellants/Respondents

Vs.

K.Perumal ... Respondent/writ petitioner

PRAYER : Appeal filed under Clause 15 of the Letters Patent Act, against the order dated 19.04.2023 made in W.P(MD)No.9038 of 2023.

For Appellants :Mr.K.Jagadeesbalan
For Respondent :Mr.N.Sudhagar Nagaraj



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JUDGMENT

[Judgment of the Court was delivered by D.KRISHNAKUMAR, J.]

This writ appeal has been filed challenging the order passed by the Writ Court dated 19.04.2023 made in W.P(MD)No.9038 of 2023 on the ground that already an agreement had already been entered into between the Management and the employees of the appellant Corporation and based on the such agreement, the respondent/writ petitioner is not entitled for the relief as sought for in the writ petition and hence, the order of the Writ Court is liable to be set aside.

2. The issue raised in this writ appeal is no longer *res integra* since the said issue had been elaborately discussed and a detailed order has been passed in **W.A(MD)No.345 of 2017 etc., batch dated 30.06.2017**, which was followed in **W.A(MD)No.1270 of 2020(the State Express Transport Corporation (Tamil Nadu) Limited, Represented by its Managing Director and Others vs. G.Senthil and another), dated 15.06.2021**. Relevant portion of the said judgment, dated 15.06.2021, is extracted hereunder:



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“10. In the light of the above legal principle and having found that there is no provision in the Certified Standing Orders to pass orders of recovery at the verge of retirement or after retirement proposing to recover the unimplemented orders of punishment of postponement of increment, is wholly without jurisdiction. Hence, for the reasons set out by the learned Single Bench as well as the reasons which we have observed supra, the order passed in the writ petition does not call for interference. The learned Single Bench has allowed the writ petition as prayed for, which would mean that the respondentworkman is also entitled to claim interest at 18% per annum. In our considered view, 18% interest would be too exorbitant and we are of the view that a time frame can be fixed for the respondent-Management to settle the amount of Rs.75,900/- and accordingly directed to pay the said sum within a period of 12 weeks, failing which, the Management is directed to settle the amount together with the interest at the rate of 6% per annum from the date of order passed in the writ petition, namely, 28.07.2020, till the claim is settled.”



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3. In the light of the above, this writ appeal is dismissed. The order of the Writ Court is directed to be complied with by the appellants, within a period of twelve weeks from the date of receipt of a copy of this judgment. No Costs. Consequently, connected Miscellaneous Petition is closed.

[D.K.K., J.] [R.V., J.]

18.03.2024

Neutral Citation: Yes / No

Index : Yes / No

PM

To:

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