



W.P.(MD).No.9635 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.11.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.9635 of 2023

V.Thangavel

... Petitioner

-VS-

1.The Managing Director,
TamilNadu State Transport Corporation (Kumbakonam) Ltd.,
Kumbakonam,
Thanjavur District.

2.The General Manager,
TamilNadu State Transport Corporation (Kumbakonam) Ltd.,
Trichy Region,
Periyamilaguparai,
Trichirapalli District

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents herein to implement the order passed in C.C.No.227 of 2005 on the file of the District Munsif cum Judicial Magistrate Court, Keeranur, Pudukottai District and further direct the respondents to re-calculate the retirement benefits of the petitioner such as Gratuity, Provident Fund, Commuted Value of Pension, Earned Leave Salary and Pension amount by taking basic pay and all other allowances of the petitioner including the increment for one year with cumulative effect and



W.P.(MD).No.9635 of 2023

further direct the 2nd and 3rd respondents herein to sanction the difference amount of retirement benefits and arrears of pension to the petitioner with interest determined by this Court.

For Petitioner : Mr.N.Sudhagar Nagaraj

For Respondents : Mr.K.Jagadeesbalan
Standing Counsel

ORDER

The instant writ petition has been filed by a retired conductor of the respondent Transport Corporation, seeking a mandamus to implement the orders of the learned District Munsif cum Judicial Magistrate Court, Keeranur, Pudukottai District in C.C.No.227 of 2005 and for disbursement of all his terminal benefits.

2. A perusal of the order of the criminal Court indicates that the petitioner was prosecuted for the alleged offences under sections 304 & 279 of IPC and he was acquitted on the ground of benefit of doubt by an order dated 07.05.2015. The question of implementing the orders of the said criminal Court does not arise.



W.P.(MD).No.9635 of 2023

WEB COPY

3. A perusal of the affidavit of the petitioner indicates that the petitioner is aggrieved over the calculation of his pensionary benefits without taking into consideration of his acquittal. The typed set of papers do not contain any copy of the representation.

4. In view of the above said facts, the petitioner herein is directed to give a fresh representation to the respondents herein within a period of four (4) weeks from the date of receipt of a copy of this order. On receipt of the same, the respondents are directed to consider the same on merits and in accordance with law within a period of twelve (12) weeks thereafter.

5. With the above said observations, this writ petition is disposed of.
No costs.

06.11.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
gvn



WEB COPY



W.P.(MD).No.9635 of 2023

R.VIJAYAKUMAR,J.

gvn

To

- 1.The Managing Director,
TamilNadu State Transport Corporation (Kumbakonam) Ltd.,
Kumbakonam,
Thanjavur District.
- 2.The General Manager,
TamilNadu State Transport Corporation (Kumbakonam) Ltd.,
Trichy Region,
Periyamilaguparai,
Trichirapalli District.

W.P(MD)No.9635 of 2023

06.11.2024