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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.10.2024

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN
AND
THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

W.A.(MD)No.1543 of 2024 &
C.M.P(MD)No.12040 of 2024

1.The Management of Tamil Nadu
State Transport Corporation (Madurai) Ltd.,
Represented by its Managing Director,
Madurai.

2.The General Manager,
Tamil Nadu State Transport Corporation (Madurai) Ltd.,
Madurai Region,
Madurai. ...Appellants

vs.

1.M.Mariappan

2.The Administrator,
The Tamil Nadu State Transport Corporation,
Employees Pension Trust,
Thiruvalluvar Illam,
Pallavan Salai,
Chennai - 02. ... Respondents

Prayer: Writ Appeal filed under filed under Clause 15 of Letters Patent Act to set aside the order dated 08.08.2023 in W.P.(MD)No.19194 of 2023 on the file of this Court and to allow the appeal.

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For Appellants : Mr.S.C.Herold Singh

For Respondents : Mr.A.Rahul for R1

JUDGMENT

(Judgment of the Court was delivered by P.VELMURUGAN, J.)

The writ petitioner / first respondent herein has filed the writ petition in W.P.(MD)No.19194 of 2023 praying to quash the impugned order of the second respondent dated 30.06.2023 in Ref.No.Nirvagam/ A5/101/2023-07, Administrative Department, Madurai and to release and disburse the terminal benefits with interest at the rate of 6% per annum payable from 30.06.2023. The learned Single Judge, even at the admission stage, cited the earlier order passed in a similar case in W.P. (MD)No.12998 of 2023 and disposed of the writ petition by directing the appellants to disburse the terminal benefits by computing the admitted terminal benefits which is due to be paid to the first respondent within a period of twelve weeks from the date of receipt of a copy of that order. Aggrieved over the said order, the appellants / respondents 1 and 2 therein have filed the present appeal.

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2. The first respondent herein, who joined the first appellant Corporation as Driver on 14.08.1993, attained superannuation on 30.06.2023 on completion of 60 years of service and he was relieved from service subject to the outcome of pending Industrial Dispute in I.D.No.20 of 2022 on the file of the Labour Court, Madurai. Subsequently, the first respondent, sent a representation to the appellants requesting them to set aside the order and release the terminal benefits. Since there was no response, he filed the above said writ petition before this Court to quash the impugned order dated 30.06.2023 and to release the terminal benefits with interest. The learned Single Judge also directed the appellants to disburse the terminal benefits of the first respondent by computing the admitted terminal benefits which is due to be paid to him. Challenging the same, the present petition is filed.

3. The learned counsel appearing for the appellants would submit that unless final verdict is passed in the pending Industrial Dispute, it would not be possible for the Corporation to calculate the terminal benefits of the first respondent. The charges against the first respondent

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are also serious in nature. If the terminal benefits are settled to him, it would not be possible for the Corporation to recover any amount, if the Labour Court orders any recovery. Hence, he prayed that the order of the learned Single Judge be set aside.

4. The learned counsel appearing for the first respondent would submit that the learned Single Judge has ordered only to disburse the terminal benefits by computing the admitted terminal benefits which is due to be paid to the first respondent. The admitted terminal benefits, in any case, is ought to be paid to the first respondent. Therefore, he prayed that the order of the learned Single Judge ought to be confirmed. There are no merits in appeal and the appeal is liable to be dismissed.

5. Admittedly, subsequent to the departmental proceedings, the first respondent was imposed with a penalty of withholding of two increments. The same was challenged by the first respondent in I.D.No. 20 of 2022 before the Labour Court, Madurai. Pending the Industrial Dispute proceedings, he attained the age of superannuation on

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30.06.2023 and was relieved from service by order of the second respondent dated 30.06.2023. Thereafter, the first respondent filed the abovesaid writ petition to quash the order dated 30.06.2023, insofar as relieving him subject to the outcome of the pending Industrial Dispute in I.D.No.20 of 2022. The subject matter of the Industrial Dispute filed by the first respondent in I.D.No.20 of 2022 was only the punishment of withholding of two increments. Therefore, there is no bar to grant the terminal benefits to the first respondent. In such circumstances, the learned Single Judge without quashing the impugned order, gave a direction to the appellants to release the admitted terminal benefits.

6. As already stated, the punishment that was imposed on the first respondent is stoppage of two increments alone. There is no other punishment, which is a subject matter of the Industrial Dispute in I.D.No. 20 of 2022. The first respondent was also relieved from service on attaining the age of superannuation on 30.06.2023, subject to the outcome of the pending Industrial Dispute. Under such circumstances, the first respondent is entitled to the admitted terminal benefits. The

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direction of the learned Single Judge is also only with regard to the admitted terminal benefits. The appellants cannot say that since because Industrial Dispute is pending, they will not pay the terminal benefits. In view of the same, the order passed by the learned Single Judge does not warrant any interference and the writ appeal is devoid of merits and is liable to be dismissed.

7. Accordingly, the writ appeal is dismissed. The appellants are directed to disburse the terminal benefits to the first respondent forthwith. No costs. Consequently, connected Miscellaneous Petition is closed.

(P.V., J.) (K.K.R.K., J.)
15.10.2024

NCC:Yes/No
Index:Yes/No
Speaking/Non-speaking order

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To

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P.VELMURUGAN, J.
and
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