



WP(MD). No.14329 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date : 02/07/2024

CORAM

The Hon`ble Ms.Justice R.N.MANJULA

**WP(MD). No.14329 of 2024 and
WMP(MD) No.12579 of 2024**

Joseph Felix .D

... Petitioner

Vs

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

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

3. The Administrator,
Tamil Nadu State Transport Corporations
Employees Pension Trust,
Thiruvalluvar Illam,
Setc Limited,
Tamil Nadu Office,
Pallavan Salai,
Chennai.

... Respondents



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PRAYER :-Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order issued by the 2nd respondent in Ku.Aa. No.05-4/Nir8/PaO/Tha APoKa (Ku) Kumba/2024, dated 31.05.2024 and quash the same as illegal and consequently direct the respondents to settle terminal benefits to the petitioner.

For Petitioner : Mr.K.Gokul
For Respondents : Mr.K.Jagadeesbalan for R1 &R2
Mr.SC.Herold Singh for R3

ORDER

Heard Mr.K.Gokul, learned counsel for the petitioner,
Mr.K.Jagadeesbalan, learned counsel for the respondents 1 and 2 and
Mr.S.C.Herold Singh, learned counsel for the third respondent.

2.This writ petition has been filed challenging the order of the 2nd respondent dated 31.05.2024.

3. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.



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4. The petitioner, who was working as an Office Assistant, has allowed to retire on attaining the age of superannuation on 31.05.2024 subject to the condition that without prejudice to the pending criminal case against him. Now, the grievance of the petitioner is that the terminal benefits have been withheld without making payment, in view of the impugned order. Hence, the petitioner is before this Court.

5. The issue in the present case is no longer res integra in view of the earlier order passed by this Court. The similarly placed persons, who are co-delinquents in the alleged occurrence involved in the criminal case have also been given with terminal benefits, in pursuant to the various orders of the Court passed in the writ petition in W.P.(MD).Nos. 10793/2007, 20697/2005, 1425/2008, 3491/2018, 13135/2017, 23281/2017, 21609/2017, 4649/2018, 6784/2018, 4849/2019, 4850/2019, 14138/2018 and W.A(MD) Nos.618/2017 & 346/2018 dated 16.06.2017.

6. For instance in WP (MD) No.3491 of 2018 filed by the co-delinquent by one R.Tamilarasan, this Court has passed the following



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order:

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“3.The petitioner was employed as a Conductor in the respondent/Corporation. He reached the age of superannuation on 31.05.2016. However, the terminal benefits payable to him were not disbursed on account of pendency of criminal proceedings. He was however relieved from service. In the case of co-delinquents, the Hon'ble Division Bench by order dated 16.06.2017 made in W.A. (MD).No.618 of 2017-(The General Manager, Tamil Nadu State Transport Corporation Limited, Kumbakonam Vs. R.Krishnamoorthy), directed disbursement of the terminal benefits. However payment of interest was denied. 4.Following the said order of Hon'ble Division Bench, the respondents herein are directed to settle the terminal benefits payable to the petitioner within a period of eight weeks from the date of receipt of a copy of this order. It is made clear that the interest will not be paid to the petitioner for such belated settlement.”

Hence, similar yardstick has to be adopted to the petitioner also.

7. In view of the above, this writ petition is allowed. The impugned order in Ku.Aa. No.05-4/Nir8/PaO/Tha APoKa (Ku) Kumba/2024, dated 31.05.2024 is hereby set aside and the respondents



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are directed to release the terminal benefits on par with the co-delinquent within a period of twelve weeks from the date of receipt of copy of this order. No costs. Consequently connected miscellaneous petition is closed.

02.07.2024

RR



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R.N.MANJULA,J

RR

**ORDER
IN
WP(MD) No.14329 of 2024**

Date : 02/07/2024