



WP(MD) No.16680 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **24.07.2024**

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD) No.16680 of 2024

R.Ramamoorthy

... Petitioner

Vs.

1. The Tamil Nadu State Transport Corporation,
Kumbakonam Division III Ltd.,
Rep. by its Managing Director,
Marudhupathi,
Managiri Road,
Karaikudi - 630 207.

2. The General Manager,
Tamil Nadu State Transport Corporation,
Kumbakonam Division III Ltd.,
Marudhupathi,
Managiri Road,
Karaikudi - 630 207.

... 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 pertaining to the order passed by the 2nd respondent in Paarvai. ThaAPoKa/Karai/Sattam/26/2024 dated 18.01.2024 and quash the same as illegal and further more direct the respondents to rectify the calculation error and settle the revised retirement monetary benefits, pension, gratuity, special pension, employees retirement fund and social security scheme and IRT refund and all other retiral benefits with compound interest at the rate of not less than 12% per annum from the date of retirement i.e. 30.06.2008 to till the date of the actual payment is made to the petitioner as expeditiously as possible.

For Petitioner : Mr.R.Rajaraman

For Respondents : Mr.K.Ramaiah

learned Standing Counsel

ORDER

The present writ petition has been filed seeking a Writ of Certiorarified Mandamus challenging the order dated 18.01.2024 of the 2nd respondent and further more direct the respondents to rectify the calculation error and settle the revised retirement monetary benefits, pension, gratuity, special pension, employees retirement fund and social



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security scheme and IRT refund and all other retiral benefits with compound interest at the rate of not less than 12% per annum from the date of retirement i.e. 30.06.2008 to till the date of the actual payment is made to the petitioner as expeditiously as possible.

2. Heard Mr.R.Rajaraman, learned counsel appearing for the petitioner and Mr.K.Ramaiah, learned Standing Counsel appearing for the respondents.

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

4. The petitioner has filed this writ petition challenging the order, dated 18.01.2024 through which the petitioner has been given with the balance of Rs.6,950/- as the final settlement.

5. It is submitted by the learned counsel for the petitioner that the above order is arbitrary and the final settlement has not been calculated properly.



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6. In fact, in the impugned order, dated 18.01.2024 certain payments that has been made to the petitioner on different dates, have been mentioned. The same was not denied by the petitioner also. However, the claim of the petitioner is that instead of calculating the pensionary benefits by considering the petitioner's service as 27 years, the respondents has computed as 14 years and gratuity for 22 years.

7. In fact, in the impugned order, it has been stated that the petitioner has been removed from service on 24.09.1992 and thereafter, he was reinstated into service on 27.07.2002. The petitioner claims that he has got continuity of service between the period from 24.09.1992 to 27.07.2002 and the petitioner is said to have remained absent from 16.03.2004 to till the date of attaining the age of superannuation i.e., 30.06.2008. So that the said portion of the petitioner's service has not been included while calculating the terminal benefits of the petitioner. The petitioner claims that he has got continuity of service that has to be substantiated either by the orders of the Corporation or through the orders of the Court. So far as the order in W.P.8270 of 2012, dated



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16.10.2005 which he filed challenging the earlier domestic enquiry initiated against him, the Labour Court passed an award, in which, the petitioner has got an award in his favour.

8. In such case, it is not known as to whether the award has stated anything about the continuity of service of the petitioner. However, the writ petition in W.P(MD)No.10377 of 2004 filed by the petitioner challenging the charge memo, dated 20.02.2004 and consequent enquiry notices, dated 02.04.2004 and 19.04.2004 and in which, an order has been passed on 13.06.2017. The writ petition has been allowed and it has been stated that the petitioner deems to have been retired from service on 30.06.2008, as the petitioner did not work from 17.02.2004 till the date of attaining his superannuation i.e. on 30.06.2008, is not entitled to back-wages. But those periods will be counted for his terminal benefits. In such case, the above period between 17.02.2004 and 30.06.2008 ought to have been counted for the purpose of awarding terminal benefits.

9. Since the above period has not been included while



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settling the final terminal benefits of the petitioner, the impugned order is set aside, so far as relates to the above period from 17.02.2004 to 30.06.2008 alone. The respondents are directed to revisit the terminal benefits proceedings passed by the second respondent and pass orders afresh taking into consideration of the orders passed in the above W.P(MD)No.10377 of 2004 and pass orders afresh in this regard within a period of four weeks.

10. With the above observation and direction, this writ petition is disposed of. No costs.

24.07.2024

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
RM



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To
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R.N.MANJULA, J.

RM

Order made in
W.P.(MD)No.16680 of 2024

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