



W.P.(MD).No.17565 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.07.2024

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THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD).No.17565 of 2024

and

WMP(MD) No.15102 of 2024

V.Annadurai

... Petitioner

Vs

1. The Managing Director,
Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
Railway Station New Road,
Kumbakonam.
2. The General Manager,
Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
Railway Station New Road, Kumbakonam.
3. The Administrator,
Tamil Nadu State Transport Corporation Employees Pension Fund Trust,
Thiruvalluvar Illam, SETC Ltd.,
Tamil Nadu Office, Pallavan Salai,
Chennai.

... Respondents

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 impugned order passed by the first respondent on 03.08.2023 in Ref.Th.Aa.Po.Ka/D5/Kuba/15/2000 and quash the same as illegal and consequently direct the respondents to calculate and disburse the



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terminal benefits after including two stage reduction from the last drawn basic pay with interest within the time stipulated by this Court.

For Petitioner : Mr. K.Gokul
For R1 & R2 : Mr.K.Ramaiah
For R3 : Mr.S.C.Herold Singh
Standing Counsels

ORDER

Heard Mr.K.Gokul, learned counsel for the petitioner, Mr.K.Ramaiah, learned Standing Counsel for the respondents 1 & 2 and Mr.S.C.Herold Singh, learned Standing Counsel, for the 3rd respondent.

2.This Writ Petition has been filed challenging the impugned order passed by the first respondent in Ref.Th.Aa.Po.Ka/D5/Kuba/15/2000, dated 03.08.2023 and consequently to direct the respondents to calculate and disburse the terminal benefits after including two increments in the basic pay with interest.

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

4. The petitioner, who was working as a Conductor in the

respondent Corporation, had attained the age of superannuation on 31.05.2018



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and retired from service. However, his terminal benefits were not settled in view of the criminal proceedings pending as against him.

5.The grievance of the petitioner is that the petitioner has been imposed with a punishment of two stage reductions, in view of the disciplinary proceedings initiated against him during the year 2002. It is seen from the reference of the punishment order, dated 09.03.2003 the petitioner has been issued with a charge memo on 24.01.2000, the disciplinary proceedings has been initiated against him on 06.03.2002 and an explanation has been called from the petitioner based on the report of the Inquiry Officer, dated 27.11.2002 and thereafter, no order of punishment has been passed, until the petitioner is allowed to retire with effect from 31.05.2018 without prejudice to the pendency of the criminal proceedings. Having allowed the petitioner to retire from service with effect from 31.05.2018 without any condition, the respondents had chosen to pass the impugned order of punishment on 09.03.2023, during which time, the petitioner is not the employee of the respondent.

6.Further, the appeal filed by the petitioner challenging the order of punishment before the second respondent was also dismissed by confirming the order of punishment.



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7.It is brought to the notice of this Court that the petitioner had earlier filed a writ petition in W.P.(MD)No.14394 of 2024 seeking disbursal of terminal benefits and this Court by an order dated 02.07.2024 had directed the respondents to settle all the terminal benefits to the petitioner within a period of 12 weeks from the date of receipt of copy of that order. The respondents, without complying the said order and by taking advantage of non initiation of contempt proceedings for non-compliance of the order within the time prescribed in the order in W.P(MD) No.14394 of 2024, are delaying the payment of terminal benefits to the petitioner.

8.It is learnt that even though the order has been passed on 02.07.2024 by directing the petitioner to report to the respondents for getting all the terminal benefits due to him. Till now, the petitioner has not been disbursed with any amount.

9.In view of the above observation, this writ petition stands disposed of with liberty to the petitioner to initiate contempt proceedings against the respondents for non-compliance of the order passed by this Court in



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WP(MD) No.14394 of 2024, dated 02.07.2024. No costs. Consequently,
connected miscellaneous petition is closed.

30.07.2024

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

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R.N.MANJULA, J.

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