



W.P.(MD).No.20493 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 11.09.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.20493 of 2024

and

W.M.P(MD) No.17391 of 2024

K.Sivasamy

... Petitioner

Vs.

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

... Respondents



W.P.(MD).No.20493 of 2024

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 second respondent in Letter No.O/236-08/09-04/1, dated 21.04.2009, quash the same as illegal and consequently direct the respondents to settle the terminal benefits with interest of 6% to the petitioner

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

ORDER

The instant writ petition has been filed by a retired Tradesman of the respondent Transport Corporation, challenging the order dated 21.04.2009, wherein the petitioner was permitted to retire subject to the result of the criminal case is pending against him.

2. A perusal of the impugned order dated 21.04.2009 reveals that the petitioner was permitted to retire from service with effect from 30.04.2009 without prejudice to the pendency of the case under the provisions of



W.P.(MD).No.20493 of 2024

WEB COPY

Prevention of Corruption Act. In view of the said order, the terminal benefits of the petitioner have not been disbursed. Therefore, the present writ petition has been filed challenging that portion of the order, wherein he was permitted to retire subject to the result of the criminal proceedings.

3. The learned counsel appearing for the writ petitioner brought to the notice of this Court that as against 52 employees of the Transport Corporation, a criminal case was laid for job racketing. One among them, namely, S.Ayyaru, had filed a writ petition in W.P.(MD) No.20697 of 2015 for quashing a similar order and to release the terminal benefits. The said writ petition was allowed, by this Court on 28.08.2017. The Management of Transport Corporation has chosen to challenge the said order by filing Writ Appeal in W.A.(MD)No.346 of 2018 and the Hon'ble Division Bench of this Court was pleased to dismiss the Writ Appeal on 05.03.2018.

4. Another similarly placed employee, namely, R.Veerakumar, has filed W.P(MD) No. 19131 of 2018 before this Court, seeking to quash a similar order and for disbursement of the terminal benefits. This Court, by an order, dated 09.11.2022 had directed the respondent Corporation to permit to retire



W.P.(MD).No.20493 of 2024

and settle the terminal benefits within a period of twelve weeks. In case, if there is a delay beyond the period of twelve weeks, the terminal benefits would carry interest at the rate of 6% per annum

5. Per contra, the learned Standing Counsel appearing for the respondent Transport Corporation had contended that since the criminal case is pending as against the petitioner, the question of disbursement of terminal benefits would arise only after conclusion of the criminal proceedings.

6. I have carefully considered the submissions made by the learned counsel on either side and perused the materials available on record.

7. The Hon'ble Division Bench of this Court was pleased to confirm the order passed by the learned Single Judge with regard to the similarly placed person/co-accused along with the writ petitioner. In such a view of the matter, this Court is of the considered opinion that the petitioner cannot be discriminated by the Management of the Transport Corporation and therefore, the order impugned in the writ petition is set aside and the respondents authorities are directed to disburse the terminal benefits within a period of



W.P.(MD).No.20493 of 2024

twelve weeks from the date of receipt of a copy of this order. In case, if there is a delay beyond a period twelve weeks, the amount will carry interest at the rate of 6% per annum.

8. With the above said observations, this Writ Petition stands allowed.

There shall be no order as to costs. Consequently connected Miscellaneous Petition stands closed.

11.09.2024

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



W.P.(MD).No.20493 of 2024

WEB COPY

To

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



WEB COPY



W.P.(MD).No.20493 of 2024

R.VIJAYAKUMAR,J.

ebsi

W.P(MD)No.20493 of 2024

11.09.2024