

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED : 15.07.2025****CORAM****THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN****AND****THE HON'BLE MR.JUSTICE K.RAJASEKAR****W.A.(MD)No.1883 of 2025 AND****C.M.P.(MD)No.10733 of 2025**

1. The Managing Director,
Tamil Nadu State Transport Corporation
(Kumbakonam) Ltd.,
No.27, Railway Station New Road,
Thanjavur District.
 2. The General Manager,
Tamil Nadu State Transport Corporation
(Kumbakonam) Ltd.,
Railway Station New Road,
Kumbakonam,
Thanjavur District.
- ... Appellants / Respondents 1 and 2
Vs.
... 1st Respondent / Petitioner
1. L.Dhakshinamurthy
 2. The Administrator,
Tamil Nadu State Transport Corporation Ltd.,
Employees Pensions Fund Trust,
Thiruvalluvar Illam, Pallavan Salai,
Chennai -2.
- ... 2nd Respondent / 3rd Respondent

Prayer: Writ Appeal filed under Clause 15 of Letters Patent, to set aside the order passed by this Court in W.P.(MD)No.20112 of 2024 dated 10.09.2024 and allow the same.

For Appellants : Mr.K.Ramaiah
For R-1 : Mr.K.Gokul
For R-2 : Mr.S.C.Herold Singh

**J U D G M E N T**

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(Order of the Court was delivered by G.R.SWAMINATHAN, J.)

The management of TNSTC (Kumbakonam) Ltd., is on appeal questioning the order dated 10.09.2024 passed by the learned single Judge allowing W.P.(MD)No.20112 of 2024 filed by the first respondent herein. The first respondent herein joined the appellant Corporation as Security Guard on 02.02.1987. He was allowed to retire from service on 31.05.2019. But the settlement of retirement benefits was withheld citing the pendency of criminal case against him. He therefore filed W.P.(MD)No.251 of 2021. The said writ petition was allowed by one of us (GRSJ) in the following terms:-

“2. The writ petitioner joined the respondent Corporation in the year 1987. An allegation was made that a number of Corporation employees received illegal gratification with the promise of securing employment for outsiders. The petitioner was one of the accused in Crime No.25 of 2003 registered on the file of the D.S.P, Vigilance and Anti Corruption, Thanjavur Detachment. Even though several years passed by, there was no progress in the investigation. Some of the accused reached the age of superannuation. They filed writ



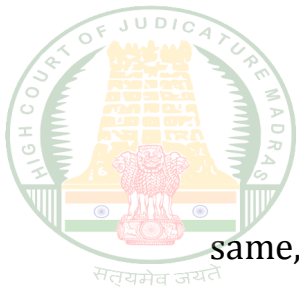
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petitions and the same were allowed and the accused employees were allowed to retire. The terminal benefits were ordered to be settled with interest. The Management filed writ appeals. One such order passed by the Hon'ble Division Bench in W.A.(MD)No.618 of 2017 dated 16.06.2017 is enclosed in the typed set of papers. The Hon'ble Division Bench while sustaining the order passed by a learned Single Judge set aside the direction for payment of interest. The case on hand is similar. Adopting the very same approach, the order impugned in the writ petition is quashed.

3. The respondents are directed to permit the petitioner to retire from service. The terminal benefits due and payable to the petitioner shall be settled within a period of twelve weeks from the date of receipt of a copy of this order. In view of the order passed by the Hon'ble Division Bench, such settlement and disbursement will not carry any interest. If there is delay beyond the period of twelve weeks it would carry 6% interest from the date of default. This writ petition is allowed on these terms. No costs."

Thereafter, the management issued punishment order. He was visited with punishment of reduction of pay by one stage. Challenging the



same, the first respondent herein filed W.P.(MD)No.20112 of 2024.

The learned single Judge allowed the writ petition on 10.09.2024 in the following terms:-

“3. It is an admitted fact that there is no provision either under the Standing Order or under Service Regulations of the Transport Corporation to continue the disciplinary proceedings after the date of retirement. The petitioner, having retired from service on 31.05.2019, the respondent Management do not have any jurisdiction whatsoever to pass the present impugned order of punishment. That apart, the punishment imposed under the impugned order, namely, one stage reduction from the last drawn basic pay is not one of the cataloged punishments under the Standing Order. Therefore, view from any angle, the order impugned in the writ petition is not sustainable in the eye of law.”

Aggrieved by the same, this writ appeal has been filed.

2. The learned counsel for the management pointed out that the charge memo was issued against the employee in the year 2019



and only the final order was passed in the year 2023. He would add that when the disciplinary action had already commenced prior to the employee reaches the age of superannuation, it is open to the management to pass final order after the employee reached the age of superannuation. This contention is having some force. But then, this contention ought to have been brought to the notice of the writ Court when W.P.(MD)No.251 of 2021 filed by the first respondent was allowed. The management did not challenge the order dated 09.11.2022 in W.P.(MD)No.251 of 2021. It has also become final. We are therefore of the view that the learned single Judge was justified in allowing the writ petition. Interference is not called for. This writ appeal stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

(G.R.SWAMINATHAN, J.) & (K.RAJASEKAR, J.)
15th July 2025

NCC : Yes / No
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6

W.A.(MD)NO.1883 OF 2025

G.R.SWAMINATHAN,J.

AND

K.RAJASEKAR, J.

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W.A.(MD)No.1883 of 2025

15.07.2025