

WP(MD)No.17720 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 02.01.2025

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP(MD)No.17220 of 2021

C.Vimala Sakthirajan

... Petitioner

Vs

1.The Managing Director,
Tamil Nadu State Transport
Corporation Tirunelveli Ltd,
28/2, Thoothukudi Road,
Kattabomman Nagar,
V.M.Chatram,
Tirunelveli District.

2.The General Manager,
Tamil Nadu State Transport
Corporation Tirunelveli Ltd,
Ranithottam,
Nagercoil – 629 001.
Kanyakumari District.

3.The Administrator,
Tamil Nadu State Transport Corporation
Employees Pension Trust,
Thiruvallur House,
Pallavan Salai,
Chennai – 600 002.

...Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India
for issuance of a writ of mandamus directing the respondents to settle the



WP(MD)No.17720 of 2021

petitioner's husband terminal benefits and all other monetary benefits with interest at the rate of 12% from the date of retirement and pay the same to the petitioner within the time frame to be fixed by this Court.

For Petitioner : Mr.N.S.Ramakrishna Dass
For Respondent : Mr.R.Raja Mohan
Nos.1 & 2
For Respondent : Mr.S.C.Herold Singh
No.3

ORDER

The petitioner's husband had worked as a Chief Accounts Officer in the respondent corporation. The petitioner with a grievance that the retirement benefits due to her husband from the transport corporation has not been settled to her, has submitted a representation and has approached this Court seeking mandamus to the respondents to settle the terminal benefits due to her husband together with interest at the rate of 12% from the date of his retirement.

2.The learned Counsel for the petitioner submits that the respondent corporation has found this petitioner's husband responsible for passing the bills to the tune of Rs.3,66,024/- in the year 1991, initiated a departmental proceedings and has demoted him from the post of Deputy Manager to the

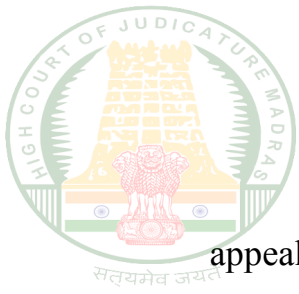


WP(MD)No.17720 of 2021

to the post of Assistant Manager. He was also imposed with stoppage of increment for a period of one year with cumulative effect. The orders of punishment were challenged by the petitioner's husband / employee before this Court in WP.Nos.19864 of 1999 and 18716 of 1998. According to him, both the writ petitions were allowed in favour of the employee and writ appeals preferred by the transport Corporation in WA(MD)No.2615 of 2010 and WA(MD)No.66 of 2011 were dismissed by this Court by order dated 09.09.2024.

3.The learned Counsel further submits that the respondent corporation has filed a suit as against the petitioner's husband in OS.No.309 of 2010 before the II Additional Sub Court Nagarcoil and the same was dismissed by the judgment dated 17.02.2012. As against the judgment and decree, the respondent corporation has filed an appeal in AS.No.48 of 2015 before the I Additional District Court (Fast Track Court) Nagarcoil and the same was dismissed on 30.11.2022 for non-prosecution.

4.The learned counsel for the respondent transport Corporation submits that as against dismissal for non- prosecution in AS.No.48 of 2015, they have preferred an application to set aside the same and to restore the



WP(MD)No.17720 of 2021

appeal. However, the learned Standing Counsel is not equipped with the SR number of that application. He has opposed this writ petition that the petitioner's husband misappropriated the transport Corporation funds to the tune of Rs.5,00,000/- even in the year 1985 and therefore he is not entitled for any terminal benefits.

5.This Court considered the rival submissions and perused the materials placed on record.

6.The respondent transport corporation has initiated proceedings as against the petitioner's husband Saktirajan that he was responsible for the misappropriation of the transport corporation funds to the tune of Rs.5 lakh. However, the punishment orders imposed as against the petitioner's husband were set aside by this Court in the writ petitions and it has also been confirmed by the Division Bench in the writ appeals. Apart from these punishments, the respondent corporation has filed a suit for recovery as against the petitioner's husband in OS.No.309 of 2010 and the same was dismissed by the II Additional Sub Court, Nagercoi on 17.02.2012 and the appeal suit filed by the respondent was dismissed on 30.11.2022. Since there is no proceedings as against the petitioner's husband as on date and



WP(MD)No.17720 of 2021

there is no impediment for the respondent corporation to settle the terminal benefits, which is eligible for the employee Sakthirajan as on date.

Therefore, this writ petition is allowed with a direction to the respondents to settle the terminal benefits due to the petitioner's husband within a period of twelve weeks from the date of receipt of copy of this order. No costs.

02.01.2025

DSK

To

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- 2.The General Manager,
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WP(MD)No.17720 of 2021

B.PUGALENDHI.J.,

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WP(MD)No.17220 of 2021

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