



**W.P.(MD) No.12622 of 2015**

**WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 18.02.2025**

**CORAM:**

**THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR**

**W.P.(MD) No.12622 of 2015**

**and**

**M.P.(MD) No.1 of 2015**

B.Loga Sridhara Pandian

... Petitioner

-vs-

1.The Management of  
Tamilnadu State Transport  
Corporation (Kumbakonam) Ltd.,  
rep.by its Managing Director  
Kumbakonam

2.The General Manager  
Tamilnadu State Transport  
Corporation (Kumbakonam) Ltd.,  
Karaikudi Region  
Karaikudi

... Respondents

**PRAYER:** Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus calling for the records from the second respondent relating to the impugned charge memo dated 15.02.2014 in Ref:TNSTC/TS/T5/2 and the impugned order dated 31.05.2015 in



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Ref:TNSTC/NiPi/A2/353 of the second respondent, quash the same and consequently to direct the respondents to settle and pay all retirement and pension benefits of the petitioner with 18% interest per annum and within a time frame stipulated by this Court.

For Petitioner : Mr.S.Arunachalam

For Respondents : Mr.K.Jagadees Balan  
Standing Counsel

### **ORDER**

This writ petition has been filed by the petitioner seeking a writ of certiorarified mandamus to call for the records relating to the charge memo dated 15.02.2014 and the proceedings dated 31.05.2015, issued by the second respondent, whereby, the petitioner was permitted to retire from service without prejudice to the pending disciplinary proceedings initiated under the charge memo dated 15.02.2014 and to quash the same and consequently to release the terminal benefits to him with interest at the rate of 18% per annum.



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**2.** The impugned charge memo dated 15.02.2014 was issued against the petitioner on the ground that he was convicted in a criminal case, whereby he was imposed with a punishment to undergo simple imprisonment for one year and to pay a fine of Rs.5,000/-, as the same would amount to misconduct under Clause 24(28)(h) of the Standing Orders of the respondent – Transport Corporation.

**3.** Today, when the matter is taken up for consideration, it is brought to the notice of this Court by the learned Standing Counsel appearing for the respondent – Transport Corporation that all the terminal benefits of the petitioner were already released in his favour during the years 2018 – 2020 and no amount is due to the petitioner.

**4.** There is no dispute about the payment of terminal benefits that are due and payable to the petitioner. However, learned counsel for the petitioner contended that the respondent – Transport Corporation has delayed the payment of terminal benefits for more than four years and therefore, the petitioner is entitled for payment of interest on the said amounts.



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**5.** The impugned charge memo is challenged mainly on the ground that the respondent – Transport Corporation is not entitled to continue the disciplinary proceedings after the petitioner attained the age of superannuation as there is cessation of relationship of employer – employee between the respondent – Transport Corporation and the petitioner. He also further contended that there is no rule or standing order, which would enable the respondent – Transport Corporation to continue disciplinary proceedings after the cessation of service of the petitioner with the respondent – Transport Corporation.

**6.** Though the respondent – Transport Corporation filed a counter affidavit, there is nothing to indicate the power of the respondent – Transport Corporation to continue the disciplinary proceedings after the cessation of employment on attaining the age of superannuation. No doubt, by the proceedings dated 31.05.2015, the respondent – Transport Corporation has permitted the petitioner to retire from service without prejudice to the pending disciplinary proceedings. But, that itself does not enable the respondent – Transport Corporation to continue the disciplinary proceedings, after the petitioner attained the age of superannuation and relieved from service, in the absence of any specific standing order providing for such an action.



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**7.** Further, it is also necessary to be noted that the impugned charge memo was issued on 15.02.2014 and the petitioner continued in service till 31.05.2015 i.e., for more than a year, the respondent – Transport Corporation has not taken any action on the impugned charge memo, though the petitioner was due to attain the age of superannuation on 31.05.2015. Thus, there is a negligence on the part of the respondent – Transport Corporation in concluding the disciplinary proceedings that were initiated by issuing the impugned charge memo dated 15.02.2014 and the respondent – Transport Corporation shall not be allowed to blame the petitioner for such negligence on their part. Thus, in the absence of specific power conferred on the respondent – Transport Corporation to continue the disciplinary proceedings, they are not entitled to continue the disciplinary proceedings that were initiated by issuing a charge memo dated 15.02.2014 after the petitioner attained the age of superannuation and accordingly, the impugned charge memo, dated 15.02.2014, issued by the second respondent, is quashed.

**8.** As there is failure on the part of the respondent – Transport Corporation in concluding the disciplinary proceedings for more than a year while the petitioner was in service and thereafter also, the respondent –



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Transport Corporation has not taken any steps for conclusion of the disciplinary proceedings, and on the other hand, on their own volition, has chosen to release all the terminal benefits payable to the petitioner during the years 2018 – 2020, indirectly, the same would suggest that the respondent – Transport Corporation is not inclined to conclude the disciplinary proceedings initiated through the impugned charge memo.

9. In that view of the matter, the respondent – Transport Corporation, in all fairness, should have released the terminal benefits due and payable to the petitioner at least immediately after he filed the present writ petition. But, for the reasons best known to them, the respondent – Corporation is neither able to justify their action for the delay in the payment of terminal benefits payable to the petitioner nor for the delay in conclusion of the disciplinary proceedings that were initiated by issuing the impugned charge memo as early as in the year 2014. At any rate, the disciplinary proceedings that were initiated in the year 2014 cannot be allowed to be continued at this stage i.e., almost after a lapse of more than a decade as the respondent – Transport Corporation itself is responsible for such inordinate delay that too when the petitioner was already retired from service on attaining the age of superannuation.



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**10.** In the light of the above, the impugned charge memo, dated 15.02.2014, and the consequential impugned order dated 31.05.2025, issued by the respondent – Transport Corporation, are quashed. Consequently, the respondent – Transport Corporation is directed to pay interest at the rate of 6% per annum on the delayed payment of terminal benefits to the petitioner, as expeditiously as possible, at any rate, within a period of six weeks from the date of receipt of a copy of this order.

**11.** Accordingly, this writ petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

**18.02.2025**

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

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**MUMMINENI SUDHEER KUMAR, J.**

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