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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.02.2025

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)No.24278 of 2016

and

W.M.P(MD)Nos. 3286 & 17536 of 2016

The Management of
Tamil Nadu State Transport Corporation
[Kumbakonam] Limited,
Trichy Region,
Tiruchirapalli – 620 001.

... Petitioner

– Vs. –

1. The Special Deputy Commissioner of Labour,
Chennai.

2. D. Sangili

... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a ***Writ of Certiorari***, calling for the records relating to the order passed by the 1st respondent in A.P. No. 312 of 2013 dated 11.04.2016 and to quash the same.



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For Petitioner : Mr.S.C. Herold Singh

For Respondents : M/s.D. Farjana Ghoushia

Special Government Pleader, for R-1

Mr.A.Rahul, for R-2

ORDER

This Writ petition is filed to quash the order passed by the 1st respondent in A.P. No. 312 of 2013 dated 11.04.2016.

2. Heard both sides and perused the material documents available on records.

3. The first respondent has rejected the proposal to impose punishment on the second respondent. The charge against the second respondent is that he committed a fatal accident on 21.04.2013.

4. According to the writ petitioner/management, the second respondent had already committed three fatal accidents and committed the fourth



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fatal accident. As a result, disciplinary proceedings were initiated, after enquiry the charges were held to be proved, thereafter was dismissed from service on 22.11.2013.

5. It is seen from the records that the petitioner has already attained superannuation, as on date the petitioner is 65 years old. If the matter is remanded back to the first respondent, no fruitful outcome would be arrived at.

6. Therefore, this Court is of the considered opinion that the date of superannuation may be taken as the date of service, and the 2nd respondent is entitled to terminal benefits. However, the writ petitioner, being the employer, shall grant the employer's contribution to the provident fund from the date of appointment till the date of superannuation (which is including from the date of dismissal to date of superannuation). And this is only for the purpose of calculating the terminal benefits. However the employee is not entitled to back wages from the date of dismissal to the date of superannuation, but the said period



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shall be calculated for the purpose of calculating the terminal benefits. Further the petitioner is not entitled to any annual increments for the said period. The terminal benefits shall be paid within a period of 12 weeks from the date of receipt of a copy of this order.

7. Accordingly, this Writ Petition is disposed of. No Costs.
Consequently, connected miscellaneous petitions are closed.

Index : Yes / No
Internet : Yes

27.02.2025

KSA



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To

The Special Deputy Commissioner of Labour,
Chennai.



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S.SRIMATHY, J

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Order made in
W.P.(MD)No. 24278 of 2016

27.02.2025