



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.07.2015

CORAM:

THE HONOURABLE Mr. JUSTICE S. VAIDYANATHAN

W.P. (MD) No. 12640 of 2015

and

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

M. Sadayandi

... Petitioner

Vs.

1. The General Manager,
The Tamil Nadu State Transport Corporation,
Head Office, Bypass Road, Chettinayakanpatti Post,
Dindigul District.

2. The Managing Director,
The Tamil Nadu State Transport Corporation (Madurai) Ltd.,
Bypass Road, Madurai 625 010. ... Respondents

PRAYER:

Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent to allow the petitioner to go on voluntary retirement from service with all pension and service benefits by considering the representation dated 03.07.2015 within a stipulated period of time.

For Petitioner : Mr. K. Shanmugaraja
For Respondents : Mr. A. Jeyaram

ORDER

The petitioner has come forward with the present Writ petition seeking an order for issuance of a Writ of Mandamus, directing the respondents to allow the petitioner to go on voluntary retirement from service with all pension and service benefits by considering the representation dated 03.07.2015 within a time frame.

2. The petitioner, who joined in the respondent / Corporation as a Conductor in the year 1988, was suffering from brain tumour, which is mentioned in the medical term, as 'Right Posterior Communicating Artery Aneurysm'. He underwent surgery on 06.12.2001. The contention of the petitioner is that even though the medical board has certified that the petitioner is fit for doing the work as conductor, he is unable to walk and he is in need of assistance and that he is unable to do his duty as a Conductor.

3. In reply, the learned standing counsel appearing for the respondents submitted that the petitioner has involved in a serious misconduct of misappropriation of money and that the past record of the petitioner is also not good and in order to avoid



the final order to be passed in the disciplinary proceedings, the petitioner has filed this Writ petition.

4. Heard the learned counsel for the petitioner and the learned standing counsel appearing for the respondents.

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5. Even though show cause notice dated 23.04.2005 has been issued for removing the petitioner from service, as on date, no action has been taken against him. Since no action has been taken as on date, nothing prevented the respondents from considering his representation, dated 03.07.2015 for allowing the petitioner to go on voluntary retirement from service with service benefits. In case, the respondents feel that appropriate orders got to be passed on the show cause notice, it should be done at the earliest. Decision either way will have to be taken within a period of one month from the date of receipt of a copy of this order.

6. The Writ petition is disposed of accordingly. No costs. Consequently, connected M.P. is closed.

Sd/-

Assistant Registrar (AS)

/TRUE COPY/

Sub Assistant Registrar

To

1. The General Manager,
The Tamil Nadu State Transport Corporation,
Head Office, Bypass Road,
Chettinayakanpatti Post,
Dindigul District.

2. The Managing Director,
The Tamil Nadu State Transport Corporation (Madurai) Ltd.,
Bypass Road, Madurai 625 010.

+1 CC TO MR. K. SHANMUGARAJA, ADVOCATE, SR NO: 42197

nbj

jam/iv/sar-I/31.8.15/2p-4C

W.P. (MD) No. 12640 of 2015
27.07.2015