

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.07.2016

CORAM:

THE HONOURABLE MR.JUSTICE B.RAJENDRAN

WP.No.22881 of 2016

R.Raju

... Petitioner

Vs

The Managing Director,
Tamil Nadu State Transport
Corporation Limited,
Salem Division, Salem

... Respondent

Prayer:- This Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the Respondent to permit the Petitioner to retire from service on his reaching the date of superannuation i.e. afternoon of 31.7.2016 pending continuance of disciplinary proceedings under Rule 9 of the Tamil Nadu Pension Rules 1978 by considering the representation of the Petitioner dated 10.3.2016.

For Petitioner : Mr.I.C.Vasudevan

For Respondents : Mr.Paramasivadoss

ORDER

This Writ Petition is filed to issue a Writ of Mandamus to direct the Respondent to permit the Petitioner to retire from service on his reaching the date of superannuation i.e. afternoon of 31.7.2016 pending continuance of disciplinary proceedings under Rule 9 of the Tamil Nadu Pension Rules 1978 by considering the representation of the Petitioner dated 10.3.2016.

2. This court heard the learned counsel on either side and also perused the materials placed on record.

3. The Petitioner is due to retire on 31.7.2016. According to him, he has been charge sheeted for three offences on three different charges and he has been given a punishment of cut in increment for one year in all the three charges, which were challenged by him and the same is pending.

The only grievance of the Petitioner is that because of the

said cases pending, he may not be allowed to retire and therefore, at least, he may be allowed to retire subject to the pension rules.

4. On the other hand, the learned counsel for the Respondent Corporation would contend that the pension rules will not apply to the Respondent Corporation, but as per their rules, they now intends only to deduct the amount in question subject to the result of the Writ Petition and they are ready to settle the retirement benefits and they are also ready to allow the Petitioner to retire.

5. Considering the submissions of the learned counsel for the Respondent Corporation, recording the same, the Petitioner shall be allowed to retire on 31.7.2016 and all his terminal benefits shall also be paid, except the deduction to be made pursuant to the said three charges made. The terminal benefits will be paid with effect from 1.11.2016 in 10 equal instalments.

6. With the above directions, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

Srcm

To:

The Managing Director,
Tamil Nadu State Transport
Corporation Limited,
No.12, Ramakrishna Salai,
Salem Division, Salem.

+1cc to Mr.P.Paramasivadosh, Advocate, S.R.No.41879
+1cc to Mr.I.C.Vasudevan, Advocate, S.R.No.41402

W.P.No.22881 of 2016

CTK(CO)
CA(10/08/2016)