



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.10.2016

CORAM

THE HON'BLE DR.JUSTICE S.VIMALA

W.P (MD) No.22320 of 2015

WEB COPY

M.Chandrasekaran

.. Petitioner

Vs.

1.The Tamil Nadu State Transport Corporation
(Kumbakonam) Ltd.,
Rep. by its Managing Director,
Kumbakonam.

2.The General Manager,
Tamil Nadu State Transport Corporation
(Kumbakonam) Ltd.,
Kumbakonam Region,
Kumbakonam.

3.The Administrator,
The Tamil Nadu State Transport
Corporation Employees Pension Fund Trust,
Thiruvalluvar Illam, Pallavan Salai,
Chennai - 600 002.

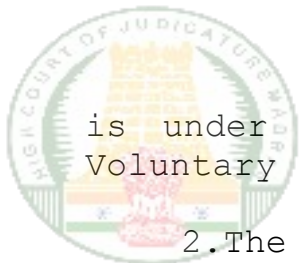
.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order passed by the second respondent in Ref No.Th.Aa.Po.Ka/Kumba/E2/165/2015, dated 13.10.2015, quash the same and consequently direct the respondents to accept the application submitted by the petitioner dated 08.01.2014 to retire from service on voluntary retirement and sanction and pay voluntary retirement pension and all other attendant retirement benefits payable to him within a stipulated time fixed by this Court as per Rule 16(a)(ii) of Tamil Nadu State Transport Corporation Pension Fund Trust Rules.

For Petitioner : Mr.A.Rahul
For R1 and R2 : Mr.D.Sivaraman
For R3 : Mr.A.P.Muthupandian

O R D E R

The petitioner's application for voluntary retirement on medical ground was rejected by the respondent by the impugned order dated 13.10.2015 on the ground that the petitioner was not working during the three months notice period. This impugned order



is under challenge in this writ petition. The application for Voluntary retirement has been submitted on 08.01.2014.

2.The medical certificate dated 16.03.2015 (page No.33) would reveal that the petitioner is suffering from right sided hemiflaga, loss of vision, loss of speech and he has been advised to complete bed rest. In fact, his request for medical treatment has been recommended by the office. However, his request for voluntary retirement has been rejected only on the ground that he had not reported to duty for six months.

3.The fact remains that the petitioner suffered from stroke and he became immobile. Under such circumstances the Transport Corporation ought not to have passed the impugned order and therefore, the same is set aside. Considering the medical invalidation, the respondents are directed to pass orders on the application dated 08.01.2014 within a period of one week from the date of receipt of a copy of this order.

4.The terminal benefits i.e. voluntary retirement compensation, Provident Fund contribution and the pension shall be settled, in twelve equal monthly installments, within a period of one month. The first installment shall commence from first week of December, 2016. The first installment shall commence by making payment on or before First week of December, 2016, and the amount in each of the remaining installments shall be paid on or before 10th of every succeeding month.

5.The writ petition is disposed of accordingly. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (AS)

/True copy/

Sub Assistant Registrar

+1 CC to Mr.A.RAHUL, Advocate, SR No.60925

+1 CC to Mr.D.SIVARAMAN, Advocate, SR No.60914

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rj2

SH/SKS-RR:23.11.2016:2P/3C