

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 19.11.2018
CORAM
THE HONOURABLE Mr.JUSTICE V.BHARATHIDASAN
W.P. 559 of 2014

K.Velusamy

... Petitioner

Vs.

Tamil Nadu State Transport
Corporation (CBE) Ltd.,
No.37, Mettupalayam Road,
Coimbatore-43.

... Respondent

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondent to permit the petitioner to retire under the voluntary retirement scheme announced by the respondent in the year 2011 and consequently direct the respondent to pay all the retiral benefits to petitioner payable as per the said voluntary retirement scheme within a time frame to be fixed by this Hon'ble Court.

For Petitioner : Mr.R.Arulraj

For Respondent : Mr.P.Kannankumar,
Standing Counsel

ORDER

This Writ Petition has been filed seeking for a direction to the respondent to permit the petitioner to retire under the voluntary retirement scheme.

2. According to the petitioner, he was working as a Driver with the respondent and he has opted to retire from service under Voluntary Retirement Scheme during August 2011. Since the petitioner's application was not considered so far, the present Writ Petition has been filed.

3. Earlier, notice was ordered to the respondents. Today, when the matter was taken up for hearing, Mr. P.Kannankumar, learned standing counsel appearing for the respondent, on instructions, submitted that pending Writ Petition, the respondent had passed an order stating that as per the scheme, the petitioner is expected to work 90 days with pay from the date of his request enabling him to get Voluntarily Retirement as per the rules. But, the petitioner has not worked for 90 days and resigned his post on 22.09.2011 within 40 days from the date of submission of

Voluntary retirement from service. Thus, as per the rules, he is not eligible for the retirement benefits under the Voluntary Retirement Scheme. Hence, his resignation was also accepted on 27.09.2011 and in view of his resignation, he is not eligible to get the retirement benefits.

4. Admittedly, the petitioner has resigned from his post, hence, the prayer sought by him in the present Writ Petition cannot be granted. However, Mr.R.Arulraj, learned counsel appearing for the petitioner submitted that even though the petitioner is permitted to resign from the post, so far, he was not paid with the benefits arising out of the resignation. The learned counsel appearing for the respondent submitted that the respondent is willing to pay the benefits, which are legally entitled to the petitioner.

5. On considering the above facts, the respondent is directed to pay the benefits, which are legally entitled to the petitioner within a period of eight weeks from the date of receipt of the copy of this order. In the result, the present Writ Petition stands disposed of. No costs.

Sd/--

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

rpp
To

Tamil Nadu State Transport
Corporation (CBE) Ltd.,
No.37, Mettupalayam Road,
Coimbatore-43.

+1 CC TO GOVERNMENT PLEADER SR.NO. 79130
+1cc to Mr.P.Kannankumar , Advocate SR.No. 78670
+1cc to Mr. G.Raj kumar, Advocate SR.No. 8612

A.SK(08/02/2019)

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