



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 12.11.2018

CORAM:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN
W.P. (MD) No.523 of 2015

WEB COPY

and
W.M.P (MD) No.1 of 2015 and 8055 of 2018

C.Paramasivam

... Petitioner

vs.

1.The Managing Director

Tamil Nadu State Transport Corporation

(Kumbakonam) Limited

New Railway Feeder Road

Kumbakonam

2. The Managing Director

Tamil Nadu State Transport Corporation

(Villupuram) Ltd

O/o. Tamil Nadu State Transport Corporation Ltd

Villupuram

3. The Enquiry Officer/ Managing Director

Tamil Nadu State Transport (Coimbatore) Ltd

37, Mettupalayam Road

Coimbatore- 641 043

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of Certiorarified Mandamus, to call for the records relating to the impugned charge memo issued by the second respondent in Ref.No.175/1750/D7/Tamil Nadu Arasu Pookuvaruthu Kazhagam/2014 dated 05.02.2014 and the consequential proceedings issued by the third respondent in PG.No.44/Me.E/(Ne.Vu)/Tha.A.Po.Ka (Kovai)/2014 dated 24.10.2014, quash the same.

For Petitioner : Mr.K.S.Muthu

For Respondents : Mr.D.Sivaraman

Standing Counsel for Transport Corporation

O R D E R

Heard the learned counsel for the writ petitioner.

2. This petition has been filed challenging the show cause notice issued by the third respondent initiating disciplinary proceedings against the writ petitioner. The only contention raised by the writ petitioner herein is that no disciplinary proceedings can be initiated against the retired Government Servant. Since the transport corporation service rules does not provides for such eventualities. In support of the said submission the judgment of the honourable Supreme Court and also High Court has also been referred . The State Government has filed counter citing Rule 9 of



Tamil Nadu Pension Rules, wherein action can be taken against the retired public servant drawing pension within three years from the date of his retirement and submitted that the petitioner herein retired as Managing Director of Tamil Nadu State Transport Corporation Limited is entitled for pension and Tamil Nadu pension rules is squarely applicable to him.

3. Heard the averments made by the writ petitioner and the counter affidavit filed by the respondent. The disciplinary proceedings against the petitioner has been initiated on 05.02.2014. The petitioner has returned from service on 30.06.2013. Since action initiated within three years of his retirement the reasons stated to quash is unsustainable.

4. This Court finds no merits in the writ petition. Hence the writ petition is dismissed. However, there shall be no order as to costs. Consequently connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CRL.SIDE)

/True Copy/

Sub Assistant Registrar(CS-II)

+3 CCs TO Mr.D.Sivaraman , ADVOCATE IN SR No.94784.

AAV

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