

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :17.10.2019

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THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.28343 of 2019  
and W.M.P.No.28016 of 2019

Krishnan T.K.

..Petitioner

vs

1.The Managing Director  
Tamil Nadu State Transport  
Corporation (VPM) Ltd.,  
3/137, Salamedu - Village  
Valuthareddy Post  
Villupuram District.

2.The General Manager  
Tamil Nadu State Transport  
Corporation (VPM) Ltd.,  
3/137, Salamedu - Village  
Valuthareddy Post  
Villupuram District.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the entire records relating to the impugned suspension order in Memo No.312/2122/D7/TNSTC (VPM)/12, dated 31.05.2012 on the file of the 2<sup>nd</sup> respondent, quash the same and consequently, directing the respondents to disburse the retirement benefits and other benefits to the petitioner based on the representation dated 19.07.2019.

For Petitioner : Mr.D.Veerasekaran  
For Respondents : Mr.C.S.K.Sathish

O R D E R

Writ Petition is filed for issuance of a Writ of Certiorarified Mandamus calling for the entire records relating to the impugned suspension order in Memo No.312/2122/D7/TNSTC (VPM)/12, dated 31.05.2012 on the file of the 2<sup>nd</sup> respondent, quash the same and consequently, directing the respondents to disburse the retirement benefits and other benefits to the petitioner based on the representation dated 19.07.2019.

2. Heard the learned counsel appearing for the petitioner as well as the learned counsel appearing for the respondents.

3. The case of the petitioner is that he joined as Helper Technical on 21.08.1981 at Thanthai Periyar Transport Corporation Limited. After amalgamation with Pattu Kotai Azhagiri Transport Corporation Limited, it was renamed as Tamil Nadu State Transport Corporation (Villupuram) Limited. The petitioner's service was regularised as Helper Technical in the year 1983. On 29.05.2012, the 2<sup>nd</sup> respondent issued a cheque for a sum of Rs.1,31,010/- towards settlement of Provident Fund contribution amount to the petitioner. Thereafter, on 31.05.2012, the 2<sup>nd</sup> respondent issued relieving order to the petitioner and allowed him to retire from service on attaining the age of superannuation. On the same day, the 2<sup>nd</sup> respondent issued suspension order and not allowed the petitioner to retire from service on the ground of pending disciplinary proceedings. The petitioner has sent various representations to the respondents to revoke the order of suspension. At last, he has made a representation dated 19.07.2019 to revoke the order of suspension and disburse subsistence allowance with arrears and terminal benefits as per the Tamil Nadu Payment of Subsistence Allowance Act, 1981. However, the petitioner's representation was not considered by the respondents till date. Challenging the order of suspension, the present writ petition is filed by the petitioner.

4. Learned counsel appearing for the petitioner submitted that in view of the order of suspension, the petitioner was not permitted to retire from service and his service was retained under suspension. Therefore, the petitioner is unable to get any benefit from the respondents. Hence, it would suffice, if this Court issues direction to the respondents to complete the departmental enquiry within the reasonable time.

5. Learned counsel appearing for the respondents submitted that the enquiry will be completed within the time limit as may be fixed by this Court.

6. Considering the facts and circumstances of the case, the petitioner entered into service in the respondents Corporation as Helper Technical in the year 1981. He attained the age of superannuation on 31.05.2012. Due to pendency of the disciplinary proceedings, the petitioner was not allowed to retire from service. Considering the limited request made by the learned counsel appearing for the petitioner, this Court hereby directs the respondents to complete the departmental enquiry in the manner known to law, within a period of twelve weeks from the date of receipt of a copy of this order. If the disciplinary

proceedings is not completed within the time limit as stipulated by this Court, the petitioner is entitled to claim the benefits, which are applicable to him and the respondents are directed to settle the eligible benefits to the petitioner.

7. The writ petition is disposed of on the above terms. No costs. Consequently, connected Miscellaneous Petition is closed.

-s/d-

Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

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To

1.The Managing Director  
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Tamil Nadu State Transport  
Corporation (VPM) Ltd.,  
3/137, Salamedu - Village  
Valuthareddy Post  
Villupuram District.

+1 CC to Mr.D.Veerasekaran, Advocate sr 86713.

+1 CC to Mr.C.S.K.Sathish, Advocate sr 86726.

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PA(CO)  
SP(02/12/2019)

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