



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.06.2019

CORAM:

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

W.P. (MD) No. 133 of 2018

WEB COPY

M.M. Subramanian

.. Petitioner

Vs.

1. The Principal Secretary to the Government,
Transport Department,
Fort St. George,
Chennai.

2. The Managing Director,
TNSTC (Madurai) Limited,
Bye-pass Road,
Madurai - 625 010.

3. The Managing Director,
TNSTC (Villupuram) Limited,
Vazuthareddy,
Villupuram.

.. Respondents

[R3 is impleaded vide order dated 11.06.2019,
made in W.M.P. (MD) No. 16693 of 2018 in
W.P. (MD) No. 133 of 2018)

Petition is filed under Article 226 of the Constitution of India seeking for issuance of a Writ of Mandamus, directing the respondents to permit the petitioner to retire from service with all service/retirement benefits of the petitioner, within the stipulated time fixed by this Court.

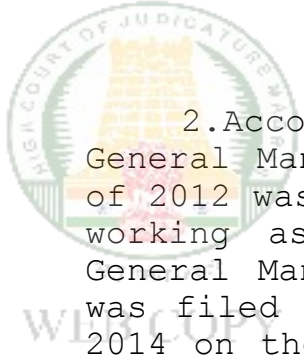
For Petitioner : Mr. T. Antony Arul Raj

For R1 : Mr. A. Muthukaruppan
Additional Government Pleader

For R2 : Mr. Jeyaraman

O R D E R

This Writ Petition has been filed seeking a direction to the respondents to permit the petitioner to retire from service with all service/retirement benefits, within the stipulated time to be fixed by this Court.



2. According to the petitioner, while he was working as a General Manager, TNSTC, Villupuram, a criminal case in Crime No.15 of 2012 was registered against him and three other persons, who were working as Assistant Manager, Superintendent and Driver to the General Manager. After completing the investigation, charge sheet was filed and the same was taken on file as Special Case No.7 of 2014 on the file of the learned Special Judge under the Prevention of Corruption Act/Chief Judicial Magistrate, Vellore. The learned Special Judge, by judgment dated 18.10.2016, acquitted all of them from the criminal case. No appeal was filed against the said judgment and thus, it became final.

3. According to the petitioner, when the criminal case was pending, one of the accused, namely, Tulasi reached the age of superannuation on 30.09.2013. Since he was also one of the accused in the criminal case, a note was put up by the Assistant Manager (Personnel), Vellore, and the petitioner to the Managing Director, TNSTC, Villupuram. Based on the same, the first respondent issued a communication, vide Letter No.15441/C1/2013-1, dated 27.09.2013, to the Managing Director, TNSTC, Villupuram, to take appropriate action against the said Tulasi. Followed by the same, the Deputy Manager (Commercial), Vellore, issued relieving order to the said Tulasi, vide Memo dated 30.09.2013, without prejudice to the outcome of the criminal proceedings and also to the departmental proceedings pending against him. The issuance of relieving order by the Deputy Manager (Commercial), Vellore, led to initiation of departmental proceedings against the Assistant Manager, the petitioner and the Deputy Manager (HRD).

4. Further, the petitioner was issued with the charge memo dated 21.02.2014 alleging that without following the procedures contemplated under the Disciplinary Rules, the said Tulasi co-delinquent has been relieved from service. Therefore, the petitioner has submitted his explanation on 01.04.2014 and thereafter, submitted another explanation on 29.04.2014, but no final order has been passed. On the other hand, the other delinquents are concerned, final orders were passed on 18.11.2014 against one Vishnu (Deputy Manager, HRD), by giving warning for his misconduct and another delinquent viz., M.S.Vijayakumar, Assistant Manager (Personnel), was imposed with punishment of three months stoppage of increment without cumulative effect, vide order dated 17.03.2015. Insofar as the petitioner's case is concerned, no final order is passed. He reached the age of superannuation on 30.06.2015. Due to the pendency of the criminal case, he was placed under suspension on 30.06.2015. Citing the same, the retirement benefits were not disbursed to the petitioner. The criminal case also ended in acquittal in his favour on 18.10.2016. According to the petitioner, once the criminal case ended in acquittal, he is entitled for all the benefits accrued during his service. Therefore, he made a representation on 02.11.2016 to the respondents, but, till date, no orders were passed on the said representation. Therefore, the petitioner has again submitted



representations on 09.07.2017 and 02.01.2018. However, there is no fruitful response from the respondents. Hence, the petitioner has approached this Court by way of filing the present Writ Petition for the relief stated supra.

5.The learned counsel appearing for the second respondent submitted that the prayer sought for in the Writ Petition cannot be granted, but the petitioner's representation will be considered by the second respondent, within a time frame to be fixed by this Court, in accordance with law.

6.Recording the above said statement made by the learned counsel appearing for the second respondent, without expressing any opinion on the merits of the case, this Court directs the second respondent to consider the petitioner's representation, dated 02.11.2016 and pass orders on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order. Needless to say that, the petitioner shall forward a copy of the representation along with the copy of this order passed by this Court to the second respondent, to enable him to comply with the directions of this Court, within the stipulated period.

7.With the above direction, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-I)

/ True Copy /

Sub Assistant Registrar(CS-)

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To

1.The Principal Secretary to the Government,
Transport Department, Fort St. George, Chennai.

2.The Managing Director,
TNSTC (Madurai) Limited,
Bye-pass Road, Madurai - 625 010.

3.The Managing Director,
TNSTC (Villupuram) Limited,
Vazuthareddy, Villupuram.

+1CC to M/s.T.ANTONY ARUL RAJ, Advocate (SR-68104[F] dated 12/06/2019)
+1 CC to M/s.SPL GP (SR-68284[F] dated 12/06/2019)

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