



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:30.04.2019

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WEB COPY

THE HONOURABLE MR.JUSTICE R.MAHADEVANW.P(MD) No.22242 of 2018

C.Paramanandam

... Petitioner

vs.

1.The Managing Director,
Tamil Nadu State Transport Corporation Ltd.,
Kumbakonam Division,
Trichy Zonal Head Quarters,
Periyamilaguparai,
Trichy - 1.

2.The Secretary,
Dheeran Chinnamalai Transport Employees,
Cooperative House Building Society Ltd.,
No.TRY(HG)16,
Trichy Zonal Head Quarters,
(Opp.to Collector Office),
Periyamilaguparai,
Trichy -1.

... Respondents

PRAYER:Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the second respondent to issue no objection certificate to enable the petitioner to product it before the first respondent to accept his Voluntary Retirement.

For Petitioner : Mr.T.Lenin Kumar

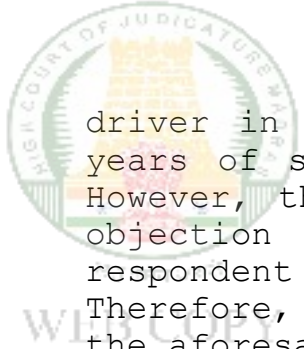
For Respondents : Mr.D.Sivaraman
for R1
: Mr.N.Ananda Kumar
for R2

ORDER

The Writ Petition is filed seeking a direction the second respondent to issue no objection certificate to enable the petitioner to product it before the first respondent to accept his Voluntary Retirement.

<https://hcservices.ecourts.gov.in/hcservices/>

2. The case of the petitioner is that he is working as a



driver in the first respondent Corporation and after rendering 28 years of service, he submitted a letter for voluntary retirement. However, the first respondent directed the petitioner to submit no objection certificate. According to the petitioner, the second respondent has refused to issue no objection certificate. Therefore, he has approached this Court with the writ petition for the aforesaid relief.

3. Today, when the matter was taken up for hearing, the learned counsel appearing for the petitioner filed an affidavit of undertaking given by the petitioner, wherein, at paragraph No.3, it is stated as follows:

"3.I submit that when the above matter came up for hearing on 29.04.2019, the Counsel who appeared for the 2nd respondent circulated a statement as if I have to pay Rs.6,94,000/- towards the construction cost along with interest. I hereby undertake that I have no objection whatsoever that the 2nd respondent may recover the aforesaid amount from me at the time of disbursement of pensionary benefits. The first respondent can withhold the said amount from my benefits. I humbly pray this Hon'ble Court to accept this affidavit and grant relief as prayed for in the above writ petition."

and submitted that the claim of the petitioner is directed to be considered by the first respondent, in view of the aforesaid undertaking given by him.

4. The learned counsel for the respective respondents have no serious objection in granting such relief to the petitioner.

5. Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side and also in the light of the affidavit of undertaking given by the petitioner, the first respondent shall pass appropriate orders on the claim of the petitioner relating to voluntary retirement, within a period of four weeks from the date of receipt of a copy of this order. With regard to any amount to be recovered from the petitioner, the same be withheld and the remaining amount alone, be disbursed to the petitioner. The petitioner is also directed to communicate the affidavit of undertaking to the respondents.

6. The Writ Petition is disposed of with the above direction. No costs.

Sd/-

Assistant Registrar (Crl Side)

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To

1.The Managing Director,
Tamil Nadu State Transport Corporation Ltd.,
Kumbakonam Division,
Trichy Zonal Head Quarters,
Periyamilaguparai,
Trichy - 1.

2.The Secretary,
Dheeran Chinnamalai Transport Employees,
Cooperative House Building Society Ltd.,
No.TRY(HG)16,
Trichy Zonal Head Quarters,
(Opp.to Collector Office),
Periyamilaguparai,
Trichy -1.

+1cc to Mr.T.LENINKUMAR, Advocate, SR.No. 64408
+1cc to Mr.N.ANANDAKUMAR, Advocate, SR.No.65137
+1cc to Mr.D.SIVARAMAN, Advocate, SR.No. 64778

W.P(MD) No.22242 of 2018

SSL/RK

KK/SAR/22.05.2019/ 3P- 6C

30.04.2019

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