



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **20.07.2020**

CORAM

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD)No.7688 of 2020

and

W.M.P (MD)Nos.7179 & 7180 of 2020

S.Pavalakoodan

...Petitioner

-Vs-

Tamilnadu State Transport
Corporation (Madurai) Ltd.,
Rep. by its General Manager,
Madurai Region, Bye Pass Road,
Madurai.

...Respondent

Prayer: Writ Petition - filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the order dated 30.04.2020 in பார்வை: நிருவாகம் அ5/ 101/ 2020-29 passed by the respondent, quash the same further directing the respondent to settle all of the petitioner's retirement benefits payable to him immediately with reasonable interest.

For Petitioner : Mr.G.M.Xavier

For Respondent : Mr.J.Senthilkumaraiah
Standing Counsel

ORDER

The prayer sought for in this writ petition is for a Writ of Certiorarified Mandamus, calling for the records pertaining to the order, dated 30.04.2020 in பார்வை: நிருவாகம் அ5/ 101/ 2020-29 passed by the respondent and quash the same and further directing the respondent to settle all of the petitioner's retirement benefits payable to him immediately with reasonable interest.

2. Heard Mr.G.M.Xavier, learned counsel appearing for the petitioner and Mr.J.Senthilkumaraiah, learned Standing counsel appearing for the respondent.

3. The petitioner was working as a conductor and at the time of retirement, he reached the stage of Special Grade Conductor and on attaining the age superannuation on 19.04.2020 he was permitted to retire from service on condition that the disciplinary proceedings initiated against him shall continue.

4. The disciplinary proceedings initiated against the petitioner is that, on 21.02.2020 the petitioner claimed to miss the un-used ticket books, therefore, in order to recover the amount equal to the un-used ticket books, disciplinary proceedings was



initiated.

5. In this context, it is the claim of the petitioner that, he retired from service on 19.04.2020 on attaining the age of superannuation and in this regard, order was passed on 30.04.2020 permitting the petitioner to relieve from the duty on retirement, however, charge-memo was issued only on 05.05.2020 i.e., after the retirement. Therefore, the said proceedings is bad.

6. The learned Standing counsel appearing for the respondent would submit that, the charge-memo in the month of March has been issued and it was served only to the petitioner on 05.05.2020, therefore, that can only be taken as if that the charge-memo was issued and the disciplinary proceedings was initiated prior to the petitioner attaining the age of superannuation.

7. It is also the submission of the learned counsel for the respondent that due to the pendency of this disciplinary proceedings, his retiral benefits including pension have not been cleared by the Corporation.

8. I have considered the said submissions made by the learned counsel appearing on both sides.

9. The disciplinary proceedings had already been initiated and the order, dated 30.04.2020, which is impugned herein, is only a conditional order, where the petitioner was permitted to retire from service and he was relieved from service on attaining the age of superannuation on condition that without prejudice to the disciplinary proceedings initiated against him.

10. In this context, charge-memo had already been issued and it is assured by the learned Standing Counsel appearing for the respondent that the disciplinary proceedings would be completed within the shortest possible time and thereafter, retiral benefits would be cleared depending upon the outcome of such disciplinary proceedings.

11. In that view of the matter, this Court is inclined to dispose of this writ petition with the following orders:-

" i) the respondent shall be at liberty to conclude the disciplinary proceedings already initiated by issuing charge-memo against the petitioner after giving a reasonable opportunity of being heard to the petitioner and also by taking into account the legal position in this regard, especially, the context of settlement between the employer and employee under Section 12(3) of the Industrial Disputes Act and thereafter, pass the final order there on.

ii) the disciplinary proceedings shall be concluded accordingly, within a period of two months from the date of receipt of a copy of this order, for which, it is needless to mention that the petitioner shall co-operate fully with



iii) On conclusion of the disciplinary proceedings, depending upon the out come of the disciplinary proceedings, the respondent shall act upon by clearing the retiral benefits including pension payable to the petitioner and other retiral benefits, such as, GPF, Gratuity etc., including the Surrender Leave Salary, if any, eligible for the petitioner in this regard and those amounts shall be disbursed immediately thereafter. "

12. With these directions and observations, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Am

Note:

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

Order made in

W.P. (MD)No.7688 of 2020

Dated:

20.07.2020

KK(07.08.2020) 3P 1C