



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.09.2021

CORAM

THE HONOURABLE MR.JUSTICE **S.S.SUNDAR**

W.P.(MD)No.15548 of 2012

WEB COPY
P.Johnson

... Petitioner

vs.

1.The Managing Director,
Tamil Nadu State Transport Corporation,
Kumbakonam Limited,
Kumbakonam-612 001.

2.The General Manager,
Tamil Nadu State Transport Corporation,
Kumbakonam Limited,
Karaikudi Region, Karaikudi-630 307.

... 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 pertaining to the impugned proceedings of the first respondent in his proceedings No.:TNSTC/DS/D2/234, dated 16.12.2009 and quash the same as illegal and consequently, to direct the first respondent to reinstate the petitioner into service with all attendant, money and other service benefits.

For Petitioner : Ms.Kalaiyarasi Bharathi
For Respondents : Mr.K.Sathiya Singh

O R D E R

This Writ Petition is filed for issuance of a Writ of Certiorarified Mandamus to quash the impugned order passed by the first respondent, dated 16.12.2009 and to direct the first respondent to reinstate the petitioner into service with all attendant, monetary and other service benefits.

2.When the Writ Petition was listed earlier on 28.04.2021, my Predecessor has passed an order in the following lines:

"Learned Counsel appearing for the Petitioner states that the petitioner would make a representation to the Respondents to convert the punishment from dismissal into one compulsory retirement, so that he would be entitled to the benefit for receiving pension. If such representation is made, the Respondents shall examine the same and file a report action taken in that regard."

3.Again, by order, dated 13.07.2021, this Court issued further



direction, as referred to below:

"It has been brought to notice that the Petitioner has made a representation dated 06.03.2010 to the Respondents to convert the punishment of dismissal from service into compulsory retirement, so that he would be entitled to get pensionary benefits.

2.The concerned authority of the Respondents shall consider the said representation of the Petitioner after affording an opportunity of personal hearing to him and pass reasoned orders on merits and in accordance with law and communicate the decision taken to the Petitioner under written acknowledgement and file report of action taken in that regard."

4.The learned Counsel for the respondents produced before this Court, a communication received from the respondents and submitted that the petitioner's representation seeking compulsory retirement is pending before the respondents. It is pertinent to mention that the Assistant Manager of State Transport Corporation, Karaikudi Region, has also indicated that the petitioner's request for compulsory retirement should be for the purpose of pensionary benefits alone. In the said circumstances, this Court is of the view that the petitioner's representation is likely to be disposed of favourably to the petitioner with the condition that the compulsory retirement will be for the purpose of pensionary benefits alone.

5.In the circumstances narrated above, this Court is of the view that the Writ Petition need not be pending unnecessarily and hence, disposed of with the following directions:

5.1.The impugned order, dated 16.12.2009 passed by the first respondent is set aside. The order of punishment dismissing the petitioner from service will be treated as one for compulsory retirement. The petitioner is entitled to terminal benefit by treating the petitioner's dismissal from service, as one of compulsory retirement for the purpose of pensionary benefits alone. The first respondent is directed to pass appropriate order.The entire exercise shall be done by the respondents within a period of eight weeks from the date of receipt of a copy of this order.

No costs.

Sd/-

Assistant Registrar (P&A)

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/ /2021

Sub Assistant Registrar(CS)



TO

1.The Managing Director,
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Kumbakonam Limited,
Kumbakonam-612 001.

2.The General Manager,
Tamil Nadu State Transport Corporation,
Kumbakonam Limited,
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+1 CC to M/s.K.SATHIYA SINGH, Advocate (SR-28936[F] dated
14/09/2021)

W.P.(MD)No.15548 of 2012
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RD(24.09.2021) 3P 4C