



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.04.2021

CORAM :

THE HONOURABLE Mr. JUSTICE G.ILANGOVAN

Crl.O.P. (MD) .No.5849 of 2021

K.Pramanayagam

... Petitioner

Vs.

1. The Superintendent of Police,
Superintendent of Police, Tenkasi District.

2. The Inspector of Police,
Seranthamaram Police Station,
Tenkasi District.

... Respondents

Prayer : Criminal Original Petition is filed under Section 482 of Cr.P.C., to direct the second respondent to issue the No Objection Certificate for the purpose of the petitioner's Voluntary Retirement from Service Scheme (VRS) in the manner known to law within time stipulated by this Court.

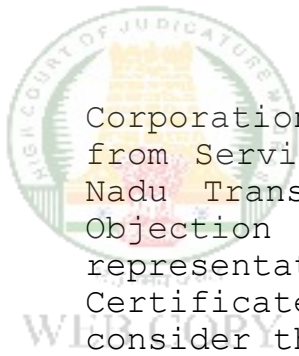
For Petitioner : Mr.P.Murugesan

For Respondents : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side).

ORDER

This Criminal Original Petition is filed seeking a direction to the second respondent to issue No Objection Certificate for the purpose of the petitioner's Voluntary Retirement from Service Scheme (VRS) in the manner known to law within time stipulated by this Court.

2. The case of the petitioner is that he was appointed as a Conductor in the Tamil Nadu Transport Corporation Tirunelveli Division, Puliyangudi Branch. Subsequently, he was promoted as a Ticker Checking Inspector in the same Division and his actual date of superannuation is only on 30.06.2020. In the meantime, the Tamil Nadu Government has extend the age of superannuation to 60 years. Hence, the petitioner's Superannuation period has been automatically extended upto 30.06.2022, but the petitioner is having a lot of health issues and he is also suffering Diabetes, Heart Diseases and he is not in a position to continue his service. Therefore, he made a representation to the Government to accept his Voluntary Retirement from Service Scheme (VRS), the same is pending. The petitioner has rendered 35 years of unblemished service. In the year 2018, the petitioner's association had conducted the protest against the Transport Corporation to raise their salary and other demands. At the time, the second respondent has registered a case in Crime No.8 of 2018 against the protestors. At the time of protest, the petitioner has not participated the protest called by the association. The petitioner's name was also not included in the F.I.R.. The petitioner approached the Tamil Nadu Transport



Corporation and made a representation to get Voluntary Retirement from Service Scheme (VRS) based on his health condition. The Tamil Nadu Transport Corporation directed the petitioner to obtain No Objection Certificate. On 02.03.2021, the petitioner made a representation to the first respondent to issue No Objection Certificate which is pending and the 1st respondent has failed to consider the same. Hence, he has filed this petition.

3. The learned Public Prosecutor would submit that based upon the complaint given by the Transport Corporation, a case in Crime No.8 of 2018 was registered for the alleged offence under Sections 341, 294(b), 506(i) and Section 3 of the Tamil Nadu Public Property (Prevention of Damage and Loss) Act, 1992 on 07.01.2018. The petitioner has arrayed as the first accused in that case and he was enlarged on bail by the learned Principle Judge, Trichy. Under these circumstances, the second respondent cannot issue No Objection Certificate to relieve him from the services.

4. In view of the above submissions made by the learned Public Prosecutor, this Court finds no merit in this case and not inclined to allow this petition. This Criminal Original Petition stands dismissed accordingly.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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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.

To

1. The Superintendent of Police,
Superintendent of Police, Tenkasi District.
2. The Inspector of Police,
Seranthamaram Police Station, Tenkasi District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

CrI.O.P.(MD)No.5849 of 2021

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